
INTERVIEWS OF WITNESSES

BEFORE THE
SELECT COMMITTEE ON
THE EVENTS SURROUNDING
THE 2012 TERRORIST
ATTACK IN BENGHAZI
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, 2012–2016

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INTERVIEW OF GENERAL PHILIP BREEDLOVE

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 7, 2016

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[REDACTED]

Mr. Tolar. Let's go on the record. Good afternoon, sir. This is the transcribed interview of General Philip Breedlove, United States Air Force, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily, as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Would the witness please state his name for the record.

General Breedlove. Philip Mark Breedlove.

Mr. Tolar. Again, General, the committee appreciates your appearance here today. My name is Mac Tolar, and I'm with the committee's majority staff. At this time, I would ask everyone in the room to please introduce themselves, starting with Sheria to my left.

Ms. Clarke. Sheria Clarke, majority staff.

Ms. Green. Shannon Green with the minority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the minority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Hudson. Bill Hudson, Office of the DOD General Counsel.

Mr. Richards. Ed Richards, DOD OGC.

Mr. [REDACTED] Colonel [REDACTED] U.S. EUCOM Congressional Affairs.

Mr. Tolar. Thank you, sir. Before we begin, I'd like to go over a few ground rules and explain how the interview will proceed. There will be rounds where the majority staff will ask questions for up to

[REDACTED]

1 hour. At the end of that time, the minority will have an opportunity to ask questions for an equal period of time if they choose. We will continue to rotate back and forth accordingly until we have exhausted all our questions.

As you could see, we've got Catalina here as our reporter taking down everything we say in order to make a written record. Accordingly, I would ask you to provide verbal responses such as "yes" or "no" to all questions as opposed to nods of the head. I'm going to ask Catalina to feel free to jump in if we are nodding and doing things of that nature.

Please give your best recollection. If there's things that you don't know or can't remember, that's okay, just say so. And if you have an idea or who might be able or better suited to answer that question, just please let us know. Please don't guess or speculate if you don't know the answer.

Please understand that although you are not under oath today, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this, sir?

General Breedlove. Absolutely.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

General Breedlove. I am absolutely able to provide truthful answers.

Mr. Tolar. Thank you. Again, we appreciate your attendance this morning. We will endeavor to proceed as expeditiously as

possible. Along the way, some questions may appear to be basic. Please understand I'm trying to flesh out a detailed record of the events surrounding Benghazi, and appreciate your patience with that.

At this point, I'm done. Shannon, do you have anything?

Ms. Green. Sir, on behalf of the Select Committee minority staff, we appreciate you being here, and we'll wrap this up in short order, hopefully.

General Breedlove. Thank you.

Mr. Tolar. I've got 12:59. Let's start the clock for the first round, please.

EXAMINATION

BY MR. TOLAR:

Q Sir, if you would, please walk me through your billets as a flag officer.

A Okay. So the first billet as a flag officer was as the -- I was selected to be a flag officer when I was the military assistant to the secretary of the Air Force. I was in the building on 9/11 when it was hit, with the secretary.

I left there to Luke Air Force base, where I pinned on brigadier general and my first in that wing command. Then I went from Luke Air Force base after a full 2-year tour to Aviano Air Force base, and served as the wing commander as a 1 star. It should have been a 2-year assignment. I was selected, during that assignment, for promotion to major general.

So they moved me to, Ramstein, where I was the military -- I was

[REDACTED]

the vice commander of the numbered Air Force there, which encompassed all of the forces, the Air Forces of Europe in the 16th Air Force, which was later renamed 3rd because of historical points. I served there until I was selected to go back to the Joint Staff to be the deputy J5 Plans and Policy as a 2 star. I served there for 2 years, and was selected for my third star.

I went from the director -- vice director of the Joint Staff back to Ramstein to be the commander of 3rd Air Force. I served there until -- that's a 3 star position. I served there until I was selected to go back to the Pentagon to be the A3, which is the operations director of the Air Force. I ran operations and requirements as the A3 in a 3 star role.

As I was the A3, I was selected for a fourth star and became the vice chief of staff of the Air Force. I served a full tour of 2 years as the vice chief of staff of the Air Force in my first 4 star assignment. I was then selected to go back to Ramstein to be the USAFE commander, and that's where I was during the time of the Benghazi incident.

I served about half of a tour as commander of USAFE, and that's when I was selected to be the Supreme Allied Commander, Europe, commander of U.S. European Command, and I have been in that position for about 2 years and 11 months.

Q Talk to me briefly about the mission of USAFE. Just a big picture, big picture.

A Yeah. So at the time, USAFE was responsible to both the EUCOM commander and the AFRICOM commander to provide trained and ready

[REDACTED]

forces and to supervise the conditions of training, conditions of living of all of the Air Forces assigned to USAFE in Europe, realizing there were Air Forces also assigned to Special Operations Command and others. We would provide care and feeding and basing for them, but those forces were not assigned to me.

Q Did that mission at USAFE include supporting lift requirements for CIF and FAST?

A Could, yes.

Q Talk to me a little bit about the responsibilities of USAFE and how they differed from what TRANSCOM does.

A Right. So USAFE is a broad warfighting command and serves as a component, an air component, and a JFACC, Joint Forces Air Component Commander, to two separate COCOMs, EUCOM and AFRICOM. And in that role, USAFE broadly has all manner of Air Force elements, meaning fighters, airlift, tankers, a very small ISR, intelligence, surveillance, reconnaissance capability, but it is a microcosm of the larger Air Force. It has also command and control facilities that would grow to be a full-fledged warfighting JFACC, Joint Forces Air Component Command, if required.

But essentially, USAFE is the air component across all manner of assigned European Command Air Force units. TRANSCOM, of course, is a combatant commander, a functional combatant commander, and has responsibility for airlift all around the globe. In USAFE's capability, we have C-130s assigned at Ramstein. Of course, TRANSCOM has every lift and tanker capability that assigns all around the globe.

Q Talk to me briefly about the mission of 3rd Air Force.

A So 3rd Air Force is that step of command and control just below the 4 star commander, and they are more focused on the care and feeding of the assigned aviation forces. So it would probably be easier for me just to draw an example of a difference.

3rd Air Force is about the training and employment and warfighting capability of the wings assigned to USAFE. USAFE is about roads and grounds, budget, policy, et cetera, et cetera. So it is -- the 3rd Air Force is the warfighting command subordinate to USAFE.

Q And at the time of the attacks in Benghazi, Lieutenant General Gorenc was the commander?

A Gorenc.

Q Gorenc, thank you. Is that correct?

A That's correct. Well, yes. I had two. Franklin and then Gorenc, and I'm pretty sure it was Gorenc, yeah.

Q Talk to me a little bit about operations. When it comes to the 31st Fighter Wing conducting operations, who's planning that? Is it them? Is it 3rd? Is it USAFE?

A The answer is yes, and I'm not trying to be obtuse, but all three levels have responsibility for some part of mission planning. And I will try not to build you a watch, but at the wing level, they are issued a responsibility, say a target, and they are given desired results, and they are issued rules of engagement to include things like collateral damage estimates, et cetera, et cetera.

So at that level, young aviators, which I wish I still was, take

that and do the weaponeering and the mission planning to at that level effect the mission they've been given done -- been given.

At the next level up, at the operational level, the 3rd Air Force level, some things will be done for them like trying to coordinate airspace overflight, tankers, et cetera, et cetera.

At the level of USAFE, we are primarily accepting guidance from a combatant commander, translating that guidance into the rules of engagement and sort of the policy level directives, and issuing the policy level attributes of what we're trying to effect, and so each layer has a bit of a responsibility for any given mission.

Q Just to project ahead a little bit, we all want to come back to that and then get in the weeds about that planning the night of the attacks.

A Uh-huh.

Q But we'll come back to that in a minute. Talk to me, let's see, briefly about again -- you may have covered it all, but the 31st Fighter Wing, you were also the commander of that. Talk to me briefly about their mission, per se.

A So the 31st Fighter Wing, at the time it was Scott Zobrist, and you've already talked to him, the 31st Fighter Wing is, at the time, what we call a Block 40 F-16. Let me just wind the clock a little bit.

That was not our newest F-16, but it was the F-16 that is optimized for precision weapon delivery and especially optimized for night precision weapon delivery. And so both of the Block 40 squadrons there were optimized via what we call LANTIRN navigation and targeting pods,

et cetera, et cetera.

So it was a wing that was designed around precision delivery of conventional weapons.

Q As an F-16 combat fighter pilot, are you qualified in any other airframes?

A No.

Q How many flight hours did you have?

A About 3,500.

Q All right. I'm a grunt here, so is that a lot?

A That's a lot.

Q That's a lot. Thank you. Did you perform CAS missions as a pilot?

A Yes.

Q Did you do it in an urban environment?

A I never actually delivered weapons myself in an urban environment, but our wings and people just like me have done that.

Q At the time of the attacks, you were the USAFE commander as well as the -- and let's for the record real quick here, when we talk about USAFE commander, that is synonymous with the U.S. AF --

A AFAFRICA commander as well.

Q That's one and same?

A That's correct.

Q Okay. So when we say --

A Same human being.

Q There you go. When we talk about USAFE, that also implies

we're also talking about that other billet?

A That's correct.

Q Thank you, sir. At the time of the attack, would you just talk to me about kind of what your role was as the commander? I mean, you mentioned it a little bit earlier, but if there is something else you want to flesh out, please do.

A Well, the role as the commander is to obviously enable my command to meet the requirements of the combatant commander. So my combatant commander translates mission to me, and I make that mission happen through my operational level command, 3rd Air Force, and the wing commands who own the aircraft. But really that's when something is happening.

The day-to-day role of the combatant commander, both the AFRICOM commander -- I say combatant commander. The component commander, that's what I was then. Correction, please. The component commander, the air component commander to both AFRICOM and EUCOM is -- you've heard these words before -- is to organize, train, and equip the forces that are assigned so that they can meet the requirements of the combatant commander.

Q And in terms of your chain of command, you actually had two chains. Talk about that briefly.

A So I answer to Jim Stavridis, the SACEUR, my predecessor in my EUCOM chain of command because the SACEUR, as you know, is dual hatted as the Supreme Allied Commander Europe and the commander of U.S. European Command.

So in my European Command hat, I answer to Jim Stavridis. In my commander U.S. AFRICOM, I answer to Carter Ham in my AFRICOM hat.

Q And going back to your role as the commander for USAFE, you mentioned earlier that you had limited ISR assets. Talk to me about what ISR assets you had direct control over through your food chain going down.

A On that day?

Q Yes, sir.

A None.

Q Literally?

A That's correct. We have no ISR assets assigned to USAFE. We occasionally are apportioned assets from other parts of the Air Force to fly specific missions, but there are no Predators Or Reapers or U-2s or combat Rivet Joints or any of that stuff assigned to USAFE.

Q Do you know if that has changed since the events of Benghazi?

A It is the same. We have transient forces that are assigned to us for specific missions, but ISR is not part of our force set.

Q Is there a reason it's not part of your force set?

A It is, as you know, what we describe in the military, ISR, we call it LDHD, low density, high demand. There is very little of this in a grand sense, and so it is typically held in places like CENTCOM or Afghanistan or North Africa, where there are more intense ISR requirements.

Q In the summer of 2012, [REDACTED]

[REDACTED] due to complaints from Libyans. Do you recall

[REDACTED]

that, sir?

A I do not. It doesn't mean it wasn't a fact. I just don't recall that.

Q I'm going to show you an email here, if you don't mind, please, sir, and if you'll just take a second and look at it and see if that refreshes your recollection at all.

As I was -- let's come back to that in a minute.

A Okay. Good.

Q Just to clean up something here. Prior to today, have you ever been interviewed by any committee in the House or Senate about the events in Benghazi?

A No.

Q Do you know what the Accountability Review Board is, the ARB?

A I'm not terribly familiar. Sorry.

Q Is it fair so say that you weren't interviewed by the ARB?

A I do not believe I was interviewed by anything called an ARB.

Q Have you ever been to Libya?

A No, not physically.

Q Let's go ahead and start talking a little bit about the sequence of events. Talk to me a little bit about September 10th. What I'm particularly interested in is just having you walk me through kind of what kind of briefings, discussions you had that day given the unrest in the AOR, and then any guidance you may have disseminated to

your subordinates on September 10th.

A Right, so that's the day prior.

Q Check.

A I can't remember any real specifics. I would say that that day was a day like many others where there were things happening in multiple places around the AOR, and that much like today or many other days between then and now, there were numerous threat streams out there that were being monitored in places from Europe to Iraq, Afghanistan, and North Africa.

Q Was there anything that got your attention that you were looking at closely?

A I do not recall any specific one thing.

Q Did you issue any guidance to your subordinates, given that it was the anniversary of the 9/11?

A No. Well, the whole -- I think the whole military apparatus around the world were sort of cognizant of the fact that occasionally people do things on anniversaries. But there was no, that I recall, any specific guidance. I do not believe we raised our FPCOM or anything like that.

Q And what is FPCOM?

A Force protection control measures.

Q And what was it at the time?

A That would be a guess. I'm pretty sure it was probably Bravo, but I do not know that for sure. Bravo was the normal condition for us.

[REDACTED]

[Breedlove Exhibit No. 1

Was marked for identification.]

Q Yes, sir. Sir, I'm going show you what we're going to label as Deposition Exhibit 1, and it's an email that was sent on August 17th of 2012. And for all intents and purposes, it's about the request or the challenges associated with having to suspend these ISR flights, Predator flights specifically, over Libya -- over Benghazi and Tripoli.

A Good.

Q Thank you.

Ms. Sachsman Grooms. We'll just note for the record, I think you just misspoke there. It's not a deposition. It's a transcribed interview.

Mr. Tolar. I know what it is. Thank you.

General Breedlove. Good. Thanks. Thanks. I do not recall.

BY MR. TOLAR:

Q Having looked at exhibit 1, do you recall now the issue?

A I do remember that we had conversations about the flights. I do not actually, honestly, recall this level of detail about the concerns of stopping them. I mean, clearly we were flying them in order to try to keep contact with what was going on there on the ground.

Q Do you remember about when it was resolved? If it was resolved, how it was resolved?

A I do not. I am missing these details.

Q [REDACTED]

[REDACTED]

[REDACTED]

A I am sorry. I am not dodging your questions.

Q Okay.

A I just don't have these memories.

Q Let's move on. That's fine.

Going back to September 10th, anything else you want to add about your activities that day, guidance extended, did you receive any guidance about 9/11 to share, et cetera?

A Right. So I do not recall that we made any, what I would call, very special preparations, et cetera, et cetera. We were at a general state of understanding, again, that people occasionally use these anniversaries for events, and what I -- as I think back about this, preparing for today, the way I remember this is much like a lot of other days where we had a lot of activity around the AOR, and there was none that stood out extremely special.

Q Sure. Let's turn to September 11th.

A Uh-huh.

Q Where were you on September 11th?

A I was there and --

Q Where is "there"?

A At Ramstein, I'm sorry. At Ramstein.

[Breedlove Exhibit No. 2

Was marked for identification.]

Q Okay. When were you first made aware of the attacks? Do you -- let me -- just again to help refresh your recollection --

[REDACTED]

[REDACTED]

A Sure.

Q -- I'm going to show you exhibit No. 2. This is a timeline provided by DOD.

A Right.

Q Are you familiar with that timeline, sir?

A I think I've seen this particular document, yes, but let me look at it.

Q In case you want to reference it at some point.

A Thank you. Yes, I have seen this document.

Q Do you recall when you first became aware of the attacks in Benghazi?

A So we were -- it was early in the morning, and I do not know the exact time, but it was some amount of time after the actual attack. Our AOC, Air Operations Center, the current watch cell was notified by AFRICOM, I think their watch cell, that this had happened. And so what happens in all these cases, when something big happens, we start what's called a recall roster, and you notify the senior people and get them headed to work.

And so I went from being at home in bed to throwing on clothes and heading towards the AOC.

Q And did you direct the recall of your senior staff at that time?

A That had already happened. I was part of that recall.

Q Who made that decision?

A I'm pretty sure it was the watch cell running their

[REDACTED]

checklist.

Q And that recall only pertained to senior officers and staff?

A That's correct. It's a selected thing where they bring in the right kind of people that they need to make decisions.

Q Sure. So just kind of, if you will, just kind of walk freely what happened over the next few hours as this thing developed.

A So we responded, and as usual now, we're -- the intel folks are spinning up and trying to give us the best idea of what's happening. I recall that it was a fairly confusing picture, and what -- about a half an hour after I got to the AOC, I listened to a recommendation of our senior leaders, and we decided to begin to stand down our C-130s in case we needed them.

Q I apologize. Whose senior leaders? Your subordinate senior leaders?

A Right.

Q I'm sorry. Thank you. That's correct.

A Yes, I'm sorry. My staff.

Q Sure.

A 3rd Air Force commander, the operations staff, the AOC staff, et cetera. And they made a recommendation to me, which I thought was the right recommendation. We figured that we would probably be well served by being ready with our C-130s if they were required, so we started taking actions to get crews ready and get aircraft ready.

Then we went through a period of time --

Q Stay with me here, sir. So the attack happened at 9:42,

you get recalled. Any idea when you got back into the office?

A It was well into the morning, because we weren't notified immediately of the attack.

Q So it was after midnight before you got back to the office, you think?

A I think so, yes, and it was -- we didn't go to the office. We went to the Air Operation Center --

Q Yes, sir.

A -- to where we thought where we would execute missions if we had to.

Q Yes, sir. Can you give an approximation of when, based on your staff guidance, you initiated a full recall of all your airmen in order to prep airplanes for deployment?

A So I wouldn't use any of the terms that you just used. What we did was we directed the wing, which is where you would do what you're talking about, we directed the 3rd Air Force and the wing to begin to assemble crews -- and that will get to another subject I'm sure we're going to talk about in a minutes -- and to look at and begin to prepare aircraft. That decision was made within about a half of an hour of us arriving at the AOC.

Q I believe that's between midnight and 2:00 a.m.?

A It's closer to 2:00 or 3:00 a.m.

Q Okay. And when you say "assemble," does that mean recall?

A So the wing will do what they have to do to do what we task them to do. They are not going to recall the whole wing. They will

recall the right kind of people that it takes to -- the word we use is "generate" aircraft, prepare them for mission. And they will also begin to find out what crews they have that are in crew rest, which is what we normally seek is someone who has the appropriate crew rest. And they begin to assemble, try to put together those capabilities so that we could fly, if we had to, respond if we had to.

Q At this point, have you received any guidance from above?

A I have not received any guidance to generate or to create.

Q This is all based on your initiative as the commander?

A Well, let's don't give all the credit to me. As I mentioned before, the staff has looked at this problem, and they made a good recommendation to me which I thought was exactly right, and that is that while we don't have any tasking yet, it would be appropriate to be proactive at this point.

Q So you all have initiated assembling aircraft?

A Generation of --

Q Generation. There you go. I'm sorry. Simultaneously or -- so that process is being done. At that point, had you directed guidance to come up with courses of action? Is that also happening simultaneously?

A No.

Q Okay.

A So of course, we have -- we, at this point, we had no tasking from above, and we were -- I was trying to prepare what are the long lead term items.

Q What does that mean?

A Just it takes a long time to generate aircraft and to assemble air crews from a standing dead stop, which is where we were. We were in a, as you know, but I will say for the record, we were in a completely peacetime configuration. We had -- we are tasked for and had no aircraft on alert at that point. So we're taking aircraft from a normal daily training and execution schedule and now bringing them up to a higher status and putting them on alert, if you will, or beginning to put them on alert.

So we were in the process of doing these long lead time items, preparing aircraft, and trying to assemble and ready crews.

Q And again, you previously mentioned C-130s. Those are the specific planes we're talking about?

A In this -- at this particular moment.

Q Okay. All right. Kind of continue on with the events of the evening, sir, if you don't mind.

A So we had continuing now to get more intelligence and get a little better picture of what had happened, because a lot of it had already transpired. And we were looking at the generation progress of our C-130s. We came to a point where there was -- when you're flying what we call days, meaning a normal schedule, you usually fly people and then they go home and they go into rest, and 12 hours later they are available again.

So we were in a normal day flying schedule, and during the night we saw that we had -- did not have crews that we could bring in

immediately and fly because they had not had the appropriate amount of crew rest. And so at one point we made the decision to look at waiving certain amounts of crew rest to get the right kinds of crews, make them available. And we took those decisions in the middle of the night.

Q Talk about that for a minute, please, sir. We previously spoke with Admiral Winnefeld.

A Uh-huh.

Q He mentioned that he did speak with you --

A Uh-huh.

Q -- that evening that you had already waived crew rest.

A Right.

Q Do you recall when you made that decision to waive crew rest, approximately?

A It was really pretty close to when we got notified because we knew --

Q Okay.

A It was pretty close to that 28 minutes or 30 minutes after notification when we started generating airplanes. It's pretty straightforward that you're in a day schedule and you may have to fly at night, people are not going to be in crew rest.

Q Right.

A So we made the decisions we needed to put some people in crew rest to be able to man the aircraft. And Sandy calling -- it's all fairly simultaneous that we're -- you know, we're having this

discussion, Sandy calling and talking to me, and I said: We've already taken these actions and we're putting -- we're getting the right kind of people to the aircraft.

Q And just to flesh out a little bit. It sounded like you said selective crew rest. Who specifically did you waive that for?

A I don't know the names.

Q No, no, no, I'm sorry. You made -- my impression was perhaps it wasn't all the C-130 crews?

A Absolutely. No, you're not going -- you're only going to alert and prepare enough crews to man the aircraft that you're generating. We weren't generating every C-130 we had. We generated a certain number of C-130s, and then we were generating crews to mate with those airframes.

Q How many C-130s were you trying to generate?

A If you have it --

Q I don't.

A -- you could help me. I don't.

Q More than five?

A I would be guessing. Yes, I think it is.

Q What C-130 squadron was there at the time?

A We only really had one squadron at Ramstein. It was a pretty -- it was a little bit larger than normal, but we had one squadron. I think, at the time, 12 airframes. That's a --

Q So that squadron had approximately 12?

A Yeah.

Q You think you generated half of them?

A About.

Q Okay. And let's get in the weeds a little about just helping me understand crew day and crew rest.

A Uh-huh.

Q First of all, as the USAFE commander, do you have the authority to waive crew day?

A Yes. Actually, one level below me can do that.

Q That's my followup question.

A My staff.

Q As the USAFE commander, do you have the authority to waive crew rest?

A These are not as distinct as you talk about, but yes. The answer is yes.

Q And does the 3rd Air Force commander have that authority?

A I think that that authority is held at what we call the A3 of USAFE. You remember I told you I was the A3 of the Air Force, the operations director of USAFE. I think that's where that's held, but again, I'm just synapses.

Q Sure.

A But that's one level sort of above -- in the command chain, you have the commander, you have the commander of 3rd Air Force, and then you have wings, but between the commander and here, you have staff functions that hold certain authorities. And I believe that is held at the A3 level of the USAFE.

Q Is it possible -- could the wing commander waive crew rest?

A No, not in that situation.

Q Okay. Well, let's do this. Just for my own edification, talk about crew day versus crew rest. What's the difference? Is there?

A So I'm going to disqualify myself right now a little bit because I'm a fighter pilot, and fighter pilots don't have this distinction. There is a distinction in the airlift community, and rather than get -- try to explain it, I'll get it exactly wrong probably, but there is a difference.

Crew rest is typically how long you have between when you last flew and when you can next fly, and that's almost always 12 hours.

Crew day is the amount of the length of the day you can have once you started. So in a -- I have zero experience virtually in crewed airplanes. I've flown a single-seat airplane all my life. But in a crewed airplane, if you have certain type of experience, your crew duty day is normally 12 hours long. But in a crewed airplane, under certain situations, you can extend that crew day once you've started it, or you can approve it ahead of time if the situation warrants.

If you have a certain kind of crew, and what we call an augmented crew, meaning an extra pilot on board, you again can extend the crew duty day. Remember, that's a fighter pilot explaining to you an airlift concept so --

Q And circling back to your waiver, is it accurate to say that when you waived crew rest in order to generate approximately six

aircraft, that included crew day -- that included both?

A No. That would probably not be correct because what -- remember, what we were worried about is these crews had flown the previous day. They had gone home and gone to bed, and we were going to need to bring them in before they had their allotted 12 hours rest. So I was waiving crew rest to bring them in so that they could be available to fly. Does that make sense?

Q It does. Thank you. So you did that for both the maintainers and the pilots?

A Maintainers have -- it's not the same type of rules.

Q Got you.

A This is aviators we're talking about.

Ms. Clarke. I just had, General, just a question. When you were talking about the fact that you had gone ahead and proactively began to waive crew rest, at what point in time was that? Was that prior to or after notification or tasking from above? Do you recall?

General Breedlove. So the decision to generate aircraft and the decision to waive crew rest were almost simultaneous, because you don't generate airplanes just to let them sit. You have to put crews on them.

Ms. Clarke. Yes, sir.

General Breedlove. That all happened about half an hour after we were notified.

Ms. Clarke. Okay.

BY MR. TOLAR:

Q So let's continue on with the evening, sir. You got people

spinning up. What's going on? Walk me through the morning.

A Well, so the morning continues to bring more intelligence and a better picture. Probably the next significant emotional event that I remember is that the -- again, we had -- still had no tasking, but we got a query from AFRICOM about the ability to generate fighters, if needed. So we got no tasking, but we got a query about that.

So again --

Q Would that have come from the J3 to your A3 typically?

A My guess, typically, when we are in that configuration, it would have been from what we call the JOC battle captain at AFRICOM to the JOC battle captain or the AOC battle captain at my place.

Q Thank you, sir. Please continue.

A So we got this query. And again, my staff, we looked at each other and said call back and ask if we have tasking. There was no specific tasking. It was a query. So we made the same decision at that point about fighters that we made about C-130s. Let's begin the generation of fighter aircraft. So we directed the Aviano wing to begin to generate fighter capability. Again, the number is rather small, but something that we could use if it became required.

And one more time, this was -- we were not tasked. We just thought it prudent to begin this process because it takes longer to generate a fighter than it does to generate a lift aircraft.

Q Talking about that real quickly. General Zobrist indicated that at 9:05 a.m. he was tasked by the 3rd Air Force commander to generate four aircraft, two spares. Does that sound accurate?

[REDACTED]

A That sounds about right.

Q That was 9:05 a.m., though.

A Right.

Q Is it fair to say that you would have tasked 3rd Air Force to task 31st Air Wing?

A Well, 3rd Air Force is sitting in the room. You know, at AOC, when we're in this configuration, it's not a table a whole lot bigger than this, and I, as the commander, is sitting there, and my 3rd Air Force command staff is right there with me. This is, we're sitting together, and you know, along the other side are those staff functions I talked to you about that, the A2, which is intelligence; the A3 which is operations; the A4, which is supply and logistics, et cetera.

Q So is it accurate to say that once you all made that decision to ramp up some fast movers, that word was passed almost immediately or immediately to the 31st?

A It would have happened pretty quickly.

Q And again, that was prior to receiving any kind of tasking from your higher headquarters?

A That's correct.

Q Thank you. All right. Keep talking about the day, sir, if you don't mind, please.

A So the rest of the morning we're monitoring what's happening. The intelligence comes in. We're monitoring the generations of capabilities. And then we begin to get -- talk to about

[REDACTED]

the possibility of launching the C-130s to mate up with Marines to head south. And so we started checking to make sure that aircraft were available for when directed we would do that. And we just continued to monitor what I would call the situation on one hand and the generation of some capability should we be tasked on the other hand.

Q Do you recall at what point you all would have been tasked to provide lift for the FAST team?

A I do not have those times in my head.

Q How would that tasking be generated or provided to you?

A It would come to us from AFRICOM.

Q Is it your recollection at this point that as of the time you all took the initiative to spin up the 31st Air Wing, you had still not received a tasking to spin up the C-130s to provide lift for the FAST team. Is that accurate, what I'm saying?

A So I don't know exactly how to answer your question because what happens is, when we start generating aircraft, we make sure that our superior headquarters know we have aircraft available.

Q Sure. Okay. At what point did you receive -- what was the mission that you ultimately -- or the tasking you ultimately received from AFRICOM and/or EUCOM? First of all, let me back up.

A Yeah.

Q Given the location of the incident, was EUCOM at all an issue for you that night? Did you have any communication with them or reason to have it, or was it solely with AFRICOM?

A It's pretty much with AFRICOM.

Q Thank you. So what was your mission or taskings that you ultimately received from AFRICOM generally?

A Let me go back so we can be very specific, because I don't want to mislead or -- the lines are a little blurred when you're the same person wears two hats. But AFRICOM is not going to call Italy or someone else for overflight to get to say Libya.

EUCOM deals with Italy, Spain, France, like so. So in our EUCOM hat we would have had folks talking to nations about overflight. If you remember when we talked about how we plan at the wing level, you do the tactical weaponeering, at the next level up you're starting to do these more operational levels, and between the 3rd Air Force and USAFE, you would be doing things like talking about overflight rights, DIP clearances and all those things.

So to try to be as precise as possible, we would have been wearing our EUCOM hat when we called Italy and others, but we are, in effect, working with AFRICOM. We are wearing our AFAFRICA hats and working with AFRICOM for the great portion of what we're doing.

Q So do you recall the taskings or missions that you ultimately received from AFRICOM, generally speaking?

A Well, eventually we were tasked to fly the C-130s to go mate with the Marines.

Q Were you ever tasked to go pick up the CIF in Croatia?

A The CIF in Croatia, if I remember correctly, had its own airplanes there with them, and those were Special Operations aircraft, not USAFE aircraft.

Q But did you have any kind of tasking to go pick them up?

A I do not recall any.

Q Did you have any tasking to provide lifts for any other unit, organization, et cetera, at that time?

A Not that I recall.

Q What was your understanding of the mission, big picture mission that day? Was it we're rescuing an ambassador? Are we sending people to Benghazi? What was your understanding at the time?

A So because of when we were notified, a lot of what was happening on the ground had happened. And for us, it was, I think, to -- our thoughts at the time were to be ready to do any number of things, go pick up those who had fallen, to go provide medical care if we could get that capability to them, to be ready should there be more. And again, in the absence of specific tasking, we were trying to be proactively preparing capability such that if that capability was required, we could say yes to the question.

Q Did you do any contingency planning for sending aircraft directly into Benghazi or to Benghazi?

A I am not aware of that.

Q At the time, were you aware that there was a C-17 and crew on alert status at Ramstein?

A At the time, I'm not sure I was. I am now because I think you all have talked to TRANSCOM, and you know, the -- we're a little bit bifurcated in what those airplanes do and who reports to who, but I am aware that there was a C-17 there. I do not think at that time

I was aware. We should be specific.

Q Throughout the evening, as things developed, how did you stay abreast of developments? Were you in the COC or JOC?

A I went there. When something like this is happening, you go as the commander, and you are in position. Now, later in that next morning, you know, you go home, you shave, you get some rest, and you get back to work.

Q Did you communicate with General Ham at all?

A I never personally talked to Carter because he was busy, and we had constant contact as -- the headquarters, when they're in these modes, the JOC captains are talking, the 3s are talking, the 2s are talking, and so the individual running the floor, the operation, they're talking, the intelligence folks are talking, the operations folks are talking. To some degree, the logistics folks are talking.

Q But you never talked with General Ham back here at the Pentagon?

A I do not recall talking to Carter, no.

Q Admiral Leidig was back in Germany with you all.

A Uh-huh.

Q Did you ever speak with him personally that night or the next day?

A My DCON and the 3rd Air Force commander did talk back and forth with him, but I did not.

Q Did you communicate personally with anyone at a higher headquarters level other than Admiral Winnefeld, which we already

discussed?

A So I'm trying to think. I do remember talking to Sandy. I do not remember talking to anyone in EUCOM. I -- no. Most of my communication was with 3rd Air Force, Mildenhall, and Aviano.

Q Did you have a conversation with General Repass at SOCEUR?

A No. Mike, I don't think I talked to him specifically.

Q On the morning of the 12th, do you recall approximately what time you went back to your quarters and took a break? Was it before lunch? After lunch? Any idea?

A I think I went back well before lunch, showered, shaved, and got on uniform, and went back to work.

Q Did you participate in any kind of conference calls on the night of the 11th or the morning of the 12th with any higher headquarters as a listener?

A Boy, I cannot recall. I'm sorry. I don't have that detail.

Q One of the challenges for us, sir, is trying to flush out the timeline, and frankly, why it seemed to take so long to get aircraft to the FAST team and CIF in order to get them in the air.

The FAST team, as you're aware, [REDACTED]

[REDACTED] They were ready. Yet they sat on the tarmac for some 6 hours before their lift arrived. Can you talk a little bit about -- I guess in order to back into that, we need to understand exactly what was required at your end to get those planes up.

A Uh-huh.

[REDACTED]

Q And did it take a long time to do that and why did it take so long? Help us understand what was going on to generate those aircraft and why it wasn't until --

A So I think you probably have the details, I don't. I'd have to look at these to determine when the decisions were actually made to fly the aircraft. Before that, when you generate an aircraft, there's a lot to it. You don't just walk up and turn the keys and take off.

So when you are in -- when you're not in an alert status, which we were not in an alert status on the 10th, you have to go to the aircraft that are on your ramp and you, if they are set up for training mode with either training, cargo, drop kits, whatever they're doing that next day to train, and you have to take the training piece off of the aircraft, download whatever's going there, then you have to do what we call all of the function checks for making sure the airplane is fit to go on alert.

You then do the preparation of the aircraft for whatever the mission might be, and you know, loading defensive measures, if it's countermeasures if it's required, et cetera. So you go through those uploading of stuff you will need for whatever your mission is tasked to be. And you know, then you get the airplane to a position where it's inspected and said mission ready.

Simultaneously, you're working two other problems. One of those is, as we talked about, generating air crew, getting the right people that are in crew rest or waiving crew rest to get people into that

position. And then, typically, somewhere in the wing, a parallel set of people will be doing all of that tactical planning that we talked about that is done down here.

So you have three problems you're working all at the same time. Air crews, getting them ready, planning the mission, and then generating an aircraft. Generating the aircraft sometimes goes rather quickly. If you fire up the mission control computer and it works perfectly, you don't have any fault lines or anything like that, this might go relatively quickly. If you start having issues with hydraulics, electronics, whatever, you begin to work the aircraft, or you choose to begin on another aircraft, et cetera.

So it is a process that we sort of have in general times for kind of airplanes, but they sometimes come in quicker and they sometimes come in a lot slower if you're having maintenance problems.

Q Generally speaking, for a C-130, how long would it take to generate it for lift or to turn it over to the pilot?

A So again, I'm not -- that's not my area of expertise. I think we -- you know, we advertise in our operational capability statements from a standing rest [REDACTED]

[REDACTED] [REDACTED] It can be done faster. If you have maintenance problems, it can take longer.

Q Do you recall any specific or unusual challenges that you faced that night trying to generate those half a dozen or so aircraft?

A I do not. And I must say that that kind of detail would

[REDACTED]

not typically be something a 4 star would be dealing with. He's sitting back saying: How's the generation going in the 86th? And they would say: It's going good, or we're having a couple of problems. But it's not typically a detail that the 4 star would be tail-by-tail worried about.

Q And what is the 86th?

A That's the wing. That's the wing at Ramstein.

Q That owns all the C-130s?

A That's correct.

Q Who was the commander at the time?

A I cannot recall. I was trying to do that earlier today.

Q Once those aircraft were generated, do you recall if that at that time you had yet received a tasking to provide lift?

A I would be guessing at that. It is my general impression, and the way I remember it, that we had aircraft available when we were tasked.

Q Would the 86th commander be able to confirm that, you believe?

A I think yes. I think this is all a matter of record.

Q When you say a "matter of record," what do you mean?

A I mean we all -- that level of person would be tracking when they had airplanes ready and when they got the call saying we need to be ready to launch airplanes.

Q Is that typically something that is documented for historical purposes or record purposes, that you know of?

A I don't know for sure, but it would not surprise me. I mean, this is --

Q Do you know if the maintenance records for those aircraft would indicate when they are ready for lift?

A Yes, they were.

Q They clearly indicate when they took off, but would they indicate when they were ready?

A Absolutely. It's a part of the generation.

Q What's the generation?

A That's when we -- how we take an airplane from not being on status, to generate it, to being on status.

Q So that maintenance record, in theory, would say -- would it say the first time an airman put a wrench on it and turned it, for all intents and purposes, that level of detail?

A For all intents and purposes, that's correct. It starts really with a records review. You pull out the record and say -- all aircraft have a certain list of things that are not -- we call them delayed discrepancies. They are small things that we know are incorrect about the aircraft that will get fixed over time that are not critical for the next day's flight. But the record that -- the records review, you would say, now, if I'm considering sending this aircraft into combat, you look at the condition of the aircraft and decide this is a good candidate, or if it's not, we go to the next tail. But typically it starts with a records review.

Q The C-130s in the 86th Air Wing, do you recall if they had

the capability to be the refueled in air?

A I believe so. The C-130Js, I think so. We should get someone to check that.

Q Thank you. Let me do this. Just to --

A Yeah.

Q I probably didn't do that right. We've been informed that they were Slicks.

A Uh-huh.

Q And that accordingly, they could not be refueled in air.

A Okay. This is a detail beyond my current experience level.

Q No worries, sir. It's all good.

A I mean, that's all --

Q Do you happen to recall the approximate flight time from Ramstein to Rota where the FAST team was located?

A I would be guessing.

Q Okay.

A Probably two and a half hours, but somewhere in that nature, somewhere in that area.

[1:57 p.m.]

BY MR. TOLAR:

Q Let's turn to this real quick. It is our understanding that at some point during the evening someone generated three courses of action for the 31st Air Wing or for fast movers, in general -- I'm assuming that's the 31st Air Wing -- and that those courses of actions included phase one, a high-speed pass at 8,000 to 10,000 feet; phase two, drop flares over that Special Mission Compound in Benghazi; and phase three, shoot some kind of kinetic device or ordnance into a field adjacent to the Annex.

Were you privy to discussions, preparations associated with those three courses of action?

A I would describe it differently. Those are all kind of what we call show of force as opposed to applying a kinetic capability. I think you've heard testimony before about the problems of applying real kinetic force in that crowded area.

At our level, these are the discussions that people were worried about. If we are tasked to go deliver kinetic capability, how do we do that without a JTAC on the ground, without a spotter of some sort.

And I think what you're referring to is the discussion matured to a point where they were looking at these non-kinetic show of force type of options. And I was not involved in that level of conversation, being that's happening at the wing. I would have been involved, and was, in thinking through can we do a show of force? Can we apply kinetics? What are we going to get asked to

do?

Q I guess that is my point. Would the wing generate those courses of action? Would it come at the third numbered Air Force level or would it come at a component level? Who would have generated those courses of actions?

A So, what probably would have happened, the way this works is we don't -- and I'm going to use words that sound condescending; I don't mean them to be -- we don't tell a fighter pilot how to suck eggs. We tell him what we want, what is the result of what we want. And then we allow the weapons officers, who are Ph.Ds. in planning and execution, to sit down in their wings and they come up with the options of how to do this business.

Q Were you aware of these specific courses of actions being discussed that night?

A I am aware that they were discussing non-kinetic show of force options.

Q But not these three specific ones per se.

A I don't recall those three, but they are typical.

Q Talk to me just, again, for our understanding -- the significance of doing a pass, dropping flares, and dropping rounds, why that constituted a show of force. Explain the significance of that.

A Sure. Sure. So, a show of force is a technique that is used in other areas of operation -- and sometimes are used to great effect -- but they are typically more effective in an area like

Afghanistan or Iraq, where an enemy combatant hears an airplane and the next thing that happens is a bomb goes off. Two days later, he hears an airplane and a bomb goes off. Three days later, he hears an airplane and a bomb goes off. All of a sudden he hears an airplane. What is he expecting? So it can cause an effect on the ground. When the combatants have not been sort of prepared, it can sometimes work, and then sometimes it might not work.

Does that make sense?

Q It does. Talk to me -- I tell you what, our first hour is expired. Let's go off the record for a minute.

[Discussion off the record.]

Mr. Tolar. Let's take a 10-minute break, sir. Thank you.

[Recess.]

Mr. Tolar. Let's go back on the record, please. It is 2:07.

BY MR. TOLAR:

Q Sir, previously we were talking a little bit about the various courses of action that were employed. And you mentioned that you were aware of those three courses of action that had been discussed.

Ms. Sachsman Grooms. I'm going to object. I don't think anyone was discussing various courses of action that were employed the night.

In addition, Mac, if you're going to talk about various courses of action -- and you seem to be representing that three specific courses of action were considered that night -- I think you should identify the source of that. Because that is not information that has been provided to the committee in any of our transcribed interviews or in

any documents.

BY MR. TOLAR:

Q Sir, if you think about show of force activities over Benghazi that could have been conducted that night, talk to me briefly about challenges associated with doing those missions at nighttime, in Benghazi, without a JTAC, et cetera. Talk about the significance of that, what limitations that may or may not have presented.

A So, if I could, if you would allow me to disassociate from that specific situation and talk in general, would that answer --

Q That's fine. Absolutely.

A So, in general, as I explained before, a show of force is typically going to be more effective when you have conditioned the combatants that you're trying to affect. If they've seen their buddies be hit by bombs or if they know they are going to see bombs hitting the ground when they hear the roar of an F-16 or F-15E, or whatever, you generally get a better result.

But at night, shows of force are challenging for a couple of reasons. One, honestly, the show of force is usually better the lower you can go. Because it's dramatic. Noise. They may even see the afterburners. It is more dramatic, the lower you go.

I think what you used there was talking about 10,000 feet. I do not remember that number, but 10,000 feet is pretty high. And that is going to lessen the impact of the noise, the visual, et cetera, et cetera.

Things that are tough at night are, one, you can't see poles, high wires, obstacles. You have a little less capability to determine, ascertain where the threats are that you might encounter, et cetera, et cetera. So night brings a little tougher situation. It makes it a little harder for you to pick out what your specific objective is, et cetera, et cetera.

Again, the things that make a show of force more effective is lower, faster, noisier, preconditioning, et cetera, et cetera.

Is that what you were getting at? Does that answer?

Q Yes, sir. I just want to -- again, this is more just for background information for the record, but to make sure we appreciate the challenges.

Had an F-16 been on a 1-hour strip alert, had a tanker been in the area and readily available, would you still have launched them? Was there a mission they could have done that night that was viable?

A As we discussed before, if you're talking about a kinetic mission, where you really want to put ordnance on the ground, there are huge challenges. Because you need someone to tell you what you're bombing.

Q The JTAC.

A If you have a JTAC or some other way to spot the ordnance. The real concern is that collateral damage and involving noncombatants and the effects of what you bring. Even in a confusing urban environment, you may be able to pick out what your target is, but you may not be able to control the collateral damage because of that

confusing operation on the ground.

So there's a lot of challenges. When you generate the airplane, you're generating it to go do a specific mission, which will determine what size and type of weapon you're going to carry, what type of fusing, which controls the effects, and then the weaponeering of how you deliver it.

All of that is designed to maximize your ability to do the mission you've been given while causing the absolute least possibility of collateral damage.

If you have something on alert, and you take off, you have the weapon that you were sitting on alert with. It may not be the one optimum for what you're doing. When you have a tasking, and you generate to that tasking, you will be able to put on that aircraft the appropriate weapon -- size, type -- appropriate fusing -- size, type -- to best effect. So there's tradeoffs if you have an airplane on alert versus if you generate one. Clearly, we understand the difference between the two.

Q I want to put a real fine point on this. Knowing what you know now, and based on your experience, is there any role an F-16 could have played in support of a response to the events that night?

If you could hand pick what armament on it, what weapon, what fuse, is there anything it could have done in a perfect world, if you could hand pick that?

A If you would allow me, again, to disassociate from that specific event, because I don't know what was going on on the ground

there at that point.

Q I'm saying today, knowing what you know now.

A We put aircraft on alert now, as you know, to be ready for this mission, because there are roles that aircraft can play.

Q So talk to me briefly about that then. The aircraft that are on alert now, how are they generally preconfigured for that alert in terms of their capabilities?

A Changes based on what we think might be the threat and the location. Again, if you're going to generate an aircraft for a task, you want to generate it with the best ordnance, the best fuse for what you think your task may be.

The other thing is -- so that I don't leave you with a misconception -- we are on what I would call a breathable alert. Based on the threat that the higher headquarters sees, they will put aircraft on anything from a 16-hour alert down to a 2- or a 3-hour alert. And the more short the alert, the higher the impact on the wing to generate it and sustain it.

Q Let's talk a little bit about Aviano and the 31st Air Wing. You mentioned you commanded that --

A Return with honor.

Q There you go.

Can you talk to me a little bit about the F-16, Block 40s they have and their specific missions for specific direct kinetic armament as well as night ops? Is that accurate?

A Yes. So, as you know, the F-16 is a multi-role aircraft,

[REDACTED]

and the pilots are capable and prepared for all manner of missions, but every wing we have sort of specializes. We have wings like the one at Spangdahlem, which we've changed recently, that is about suppression of enemy air defense. We have other wings that are more about precision delivery of munitions. We have wings that are about air-to-air, to do that sort of thing. The F-16s at Aviano, the Block 40s, their mission is primarily delivering precise ordnance, day or night.

Q So if there was going to be a night response requiring ordnance, those Block 40s would be the best aircraft for that mission, in theory, irrespective of where it is?

A I don't want to sound goofy here, but you're breaking my heart because I'm an F-16 guy. And my answer is no, the Strike Eagle is probably a better aircraft. It has longer range, it has two people in the cockpit, which gives you more capability over the target. But absolutely, if you let any of my fighter pilot friends read this transcript, you and I will have to have words.

Nothing from the back row, by the way.

Q Does the Air Force conduct a lot of close air support in urban environment-type missions, though?

A I don't think I would categorize the words "a lot." It is a capability we have. You have seen it in Afghanistan. You have seen it in Iraq. It is something that we can and have done.

Q We learned a little bit about this from General Zobrist and the transcript he provided to another committee. But talk to me a

[REDACTED]

little bit about the significance of a USO/NATO IG inspection, what that does to an organization, how that impacts their readiness, et cetera.

A Sure.

Q And, again, I apologize. General Zobrist touched on this, but I want you, given your experience, to flush it out.

A If he said USO --

Q I'm sorry, U.S./NATO requirements inspection.

A Got it. Now we have it.

Q Thank you.

A We typically call these ORIs, in more general terms, Operational Readiness Inspection. It is a major event for a wing. A wing has to spin up and train and certify. And then, U.S. wings are evaluated at a very high standard for the capability to meet their DOC requirements -- Dedicated Operational Capabilities -- requirements. And each wing has a DOC statement that they should be able to generate a certain number of airplanes to do a certain type of missions. The pilots are tested via paper. They are tested via simulators. And then they actually go out and fly. The entire wing is a part of an ORI.

And I don't want to build you a watch, but the support group has to be able to defend the base, the security forces. They have to respond to fires, to chemical attacks, et cetera. The hospital has to be ready to take care of wounded. The maintenance group has to be able to build and assemble weapons, mate them with the aircraft, and get the aircraft into the air.

And then the pilots, at the end of all of that -- after all these other people do their job -- the pilots have got to go out and put the cross-hairs on the target and deliver the weapon inside the parameters basket. It is not like TV, where you can just hit the button and it happens. They have to be in the parameters basket on speed, altitude, those kinds of things, hit the weapon, and then have -- most importantly and toughest sometimes in an urban environment -- put the cross-hairs over the right spot.

So you asked a question I really didn't answer. It is a major muscle movement to prepare a wing for an ORI, to get all of that working together at the same time and meet the very high standards that we hold of ourselves. This is something that the wing will start preparing for 10 months out, maybe even more.

Q And is it safe to say it involves every aspect of the wing?

A It does.

Q And what impact does this have on their ability to respond to an in extremis situation? For example, is this the one point in their 2-year, 5-year-period where they are the least -- prepared isn't the right word -- but it is broken down as far as you can break it down. Does that make sense?

A Yeah, I would actually cast it the other way. They may have been working very hard. And so, to some degree, the wing, in certain proficiencies, is going to be either at its best or approaching its best. It's wherever they are in that preparation ladder.

And we do a similar preparation ladder, by the way, for

[REDACTED]

deployments, when we are going to Afghanistan, Iraq or whatever, to arrive at maximum combat readiness right before deployment.

So depending on where they are in that ladder, they may actually be ramping up their skill levels. The risks, of course, are you are working your aircraft out very hard. You are putting a lot of load on the maintenance community, the supply community, and you might find yourself, because you are riding them hard, in a situation where you have more or less airplanes than you would on a normal day available.

Q Any other general comments you want to make about the impact of said inspections on the 31st or any other wing's ability to respond? Anything else about that?

A [REDACTED]

[REDACTED]

Q We don't have to talk about that. I appreciate that. But, yes, sir.

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q I guess what I'm trying to appreciate is, the fact that they were in the middle of that inspection, do you have an opinion as to whether or not that made it easier or more difficult to spin up to provide the request that you made?

A The answer is yes. And it would have made it immensely

[REDACTED]

harder for them to pass their eval to get such a huge distraction in the middle of it, too. But, to a degree, the pilots and the proficiencies is probably good. If they have been riding those airplanes hard for 2 or 3 days in an exercise, the maintenance piece is going to be hard.

Q Going back, one followup question to the different scenarios in terms of response. Would you ever launch a single F-16 as a show of force?

A No, no. [REDACTED]

[REDACTED] We fly in twos or fours or eights. It is a flight. You have a flight lead and a wing man.

Q If you were doing a mission like Benghazi, would you, in your judgment, would you launch a two-plane sortie?

A Yes.

Q Are you comfortable with that?

A Yes.

Q Thank you.

A You could do that. You would want to launch more. And here's how you do two. You launch three to get two so that after you get airborne, if you have a problem with one of them, that one falls out and the other one flies in. So you always -- we call them spares.

Q All right. Given that, why would there be a task for four planes to prepare instead of six? I mean you had four plus two. Does that make sense?

[REDACTED]

[REDACTED]

A That's six. That's is the two spares.

Q Thank you. Talk to me briefly about, based on your experience dealing with the Italians, the challenges, if any, associated with getting clearance in an in extremis-type situation, both to fly routes as well as to fly routes with arms.

A So, I think my recollection of this night is we had no problems getting the clearances that we needed from the Italians.

On a day-to-day basis, on just peacetime flying, they are a sovereign nation which is in control of their sovereign airspace. You may remember in history that we used to fly very freely in Italian airspace. And then an airplane from a service -- not mine -- cut a cable and killed some people, and the Italians changed the paradigm of flying in Italy. So our access to Italian airspace is very different. But I do not think we had an issue with the Italians and airspace that night.

Q Talk about if you wanted to launch an aircraft armed, what challenges -- let me do this. Do you know if you all discussed trying to launch an aircraft -- let me back up. When you tasked the 31st Air Wing to prepare four aircraft and two spares for deployment, did that also include them being armed?

A Yes.

Q What is required to get permission -- how long does it take to get permission from the Italians to launch aircraft that are armed?

A On a day-to-day basis, I don't know the number, but it is a longer process. But when there is an in extremis -- and again, my

[REDACTED]

recollection of that night is we got what we needed fairly quickly.

Q To include arming of the aircraft.

A That's correct.

Q Okay.

A I do not recall that that was in any way a limitation to us.

I might also add that, in the middle of an exercise, you're arming and de-arming airplanes constantly, all day long.

Q Check.

A The signature would not change.

Q You previously talked a little bit about the clearance issue. Talk to me, to the best of your understanding, about how that works in terms of seeking clearance, whether it was for 31st Air Wing or the 86th, et cetera. How does that work? Do your people do that work? Is it the Defense attache? Who's doing the work to get the country clearance both for the air flights as well as to enter other countries?

A Yes. It is all that team. So, as you remember, there is the three stages of planning. The wing is doing that very tactical stuff. And typically, they are going to tell 3rd Air Force that we're going to need this kind of overflight, this kind of clearances. And 3rd Air Force and USAFE are typically working with the nations, and EUCOM might actually be involved, as I explained to other earlier, with working with the nations. It becomes an all-hands-on-deck approach to things.

I guess you could accept that in some nations you have relationships where you pick up the phone and you can call and get what you need. And others, it is a more formal process, et cetera, et cetera.

The guys at the wing are not typically doing that. It's the guys above the wing that are doing those kind of overflight rights and stuff like that.

Q Were there any challenges that night getting country clearance to fly into Libya?

A I am not -- to fly into Libya.

Q Into Tripoli. Into Libya, in general.

A I do not know that answer. What I do know is I don't think we had any problem with getting out of Italy into international airspace. I'm sorry, I just don't have that recollection.

Q Do you recall if country clearance issues impeded your ability to launch your aircraft at any point?

A I do not recall. I am saying I do not recall that that was a limitation.

I need to be precise in my language. I do not think we had a problem with that.

Q Thank you. I want to talk real briefly about heightened alert status, what that means, et cetera. Talk to me about it in terms of how that impacts a squadron in terms of readiness.

A Sure.

Q And define readiness.

[REDACTED]

A Sure. So it may be best to start with readiness.

Readiness is a combination of several things. It is, first and foremost, the people, maintenance, munitions people, aviators, intelligence, all of that team that is the people piece. They all have to be ready to do their job and qualified to do their job, and, frankly, not worn out. Not having just come back from a 12-month deployment to Bagram, or something. So readiness first is people.

Second, I would say readiness is about the aircraft. Aircraft are just like other capital assets. You may own 11 carriers, but you may not be sailing but three of them at any one time because you have some aircraft in long-term maintenance, you have some aircraft in short-term maintenance, you have some aircraft that are being fixed overnight with things that will make them ready the next morning, and then you have some airplanes that are just ready because they finished the day with no discrepancies.

So, the aircraft readiness is about can we meet our DOC statement tasking. If the DOC statement says you have to have 12 aircraft within 24 hours, then your readiness is judged against can you get 12 aircraft ready in 24 hours.

Q And the DOC statement is established by the component commander?

A The DOC statement is actually established by the U.S. Air Force, a larger entity.

Q Thank you. Go ahead.

A So, the readiness of the aircraft fleet at the base, in terms

[REDACTED]

of how many and how many are ready to go, the readiness of the people. You put that together and say a unit is C1, C2, C3, C4, C5, whatever.

Q How does a heightened alert status impact that readiness?

A So when you take an aircraft or you put say, for instance, let's just use the example of that night, if you tell them that you're required to get four, they're going to take six to do that so that when --

Q Six?

A Six to do that. You do six to do that. Because we will typically, if you're tasked to get four in the air, you will launch six so that two will follow them to a point of no return and they say we're all four good, they keep going and these two return.

So actually, you'll have one or two other spares on the ground that you're preparing in case any of those six fall out. So what I'm am trying to paint a picture, is when you just say four airplanes, it is a lot more than four airplanes.

Secondarily, when you put an airplane on a short alert, the airplane will go on alert. You can't use it for training, you can't use it for anything. It sits there. And most airplanes, depending on the air frame, can sit on alert, 2, 3 days before you know we need to go in there and generate another one because we're not confident now that when we crank it, it'll be perfectly ready to go. Airplanes fly better when they flight a lot, not when they sit still.

So in an airplane sense, you're pulling a certain number of airplanes out of your training regimen and they're not available for

either training or real word. And when you go back to that some are in long-term maintenance, some are in short-term maintenance, and now you take a plug out to do something, you can sometimes put a pretty significant tax on the unit and their ability to train to maintain the readiness of the pilots and the crews and the maintainers, et cetera. That is item one.

And then the other one, if you have a long leash readiness, you can have aviators and maintenance people in their normal sleep-rest cycle, normal locations, et cetera, et cetera. When you tighten this down to 2 or 3 hours or less, you have people sitting at the ready in a ready room, burning crew rest, and you're cycling people to keep the right number of people on crew rest. And you consume bodies to do that.

So short alerts are very good tools when you know you need it, but they are very costly to the unit over time.

Q In terms of some specific impacts, would that be like air-to-air capabilities, nighttime ops?

A All of that. You're not training because you're sitting and waiting.

Q Sir, talk to me a little bit about tankers. You owned some tankers in Mildenhall?

A That's correct.

Q What's the unit that was there?

A The Mighty Hundredth, I think; Square D.

Q Do you recall who the commander was at the time?

A I do not.

Q When you tasked, did you make similar taskings for those guys to prepare for operations as you did the 86th?

A I didn't do it with the C-130s, but any time you alert fighters, you're going to also start alerting tankers. Because the fighters don't go anywhere without hitting tankers.

Q So once you all started generating C-130s, the tankers were not being generated at that time yet.

A I think that to be correct.

Q Generally speaking, the requirement to generate a tanker, is it discernibly different than generating a C-130 or is it basically the same concept?

A For those kind of airplanes, it's not terribly different. I mean it's a different mission set. There are fuel bladders. There's some different equipment. But large aircraft are sort of alike and fighters are sort of alike.

Q I apologize. Did you speak with the commander that night or the following day yourself, personally?

A The tanker commander?

Q Yes, sir.

A No.

Q Do you recall if there were any issues with generating tankers?

A I do not. To be precise again, I don't think there were any problems generating. I do recall. But I did not.

Q And I keep getting these words wrong, but is it the

in-service collective systems, select process?

A Okay. I know what you're talking about.

Q What are the correct words?

A That's heavy stuff. I've used both of those sets of words that you used. In-service select means that they're pulling airplanes off of other missions as they're airborne. And that is one of the tools that TRANSCOM uses.

Q Is that a TRANSCOM tool -- does that apply to you?

A Not really, no.

Q TRANCOM's doing an in-service select --

A Right.

Q -- can they say: Hey, USAFE, I want that C-130 now; give it up?

A That's not an in-service select because it's on the ground. If I had an airplane airborne, flying somewhere, they then could call and say: We'd really like to turn your C-130 around. But they would have to come to us and ask.

Q But, again, that is a TRANSCOM policy.

A Right.

Q Thank you.

A They are extremely flexible and wonderful with that. I would love to tell you how well they did getting our people out of Turkey here last week by using just that capability. No specifically tasked aircraft. All in-service select aircraft to make it work.

Q This is timely, given your current billet. Talk to me a

little bit about NATO assets. As the Supreme Allied Commander for NATO, talk to me about what it would take for U.S. to generate a request for NATO allied support, what that entails, how long would it take, et cetera, in an in extremis type of situation.

A Sure, I know exactly what you're asking. Generating the ask can be fairly quick. Again, in some nations it is different than others. You know, in some nations you pick up the phone and you call the Chief of Defense and you say: Can you help me?

But what we have to remember is that almost no nation is going to make that kind of decision without first a PAL/MIL cut. So you are going to talk to the President, the prime minister or the parliament the next day. They're not going to make those -- if you're talking about using their assets to go do something for you, that is not going to happen fast. If you're talking about flying through their airspace and things, sometimes that happens fast.

Q I'm talking about them doing a mission for you.

A That's not going to happen fast.

Q What does that mean? Is that 2 days, 24 hours? For example, let's say we wanted the Italian Tornados to come down and support us in an in extremis situation. How long do you think it would take to make that happen, notwithstanding we don't know what the mission is, per se?

Mr. Kenney. We are talking about today, Mac?

BY MR. TOLAR:

Q Just generally speaking.

[REDACTED]

A That's not going to happen in hours. It may be days. This is a political thing, not a military thing. But they would have to do the same thing we would do, which is generate their aircraft. The same thing, they're not going to be sitting on alert.

Q Are you familiar with, I guess, it's the U-28, some kind of little prop plane -- single-engine prop plane. Are you familiar with that aircraft.

A This is an aircraft that Special Ops flies.

Q That's right. Generally, are you familiar with it, basically?

How about this. [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q Perfect. [REDACTED]

[REDACTED]

A I asked that question today, in trying to prepare for this. I do not have the answer yet.

Q [REDACTED]

A I do.

Q Tell me what it is.

A [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

A Out of my league.

Q No worries. Let's pass.

I want to talk about drones for a few minutes, please.

A I call them RPAs -- remotely piloted aircrafts -- because they are uniquely piloted.

Q That's exactly right. So, you mentioned earlier that you didn't own any Predators.

A That's correct.

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Talk to me briefly about how Predators specifically operate. You mentioned it's remotely piloted. Talk about that. Who's on the ground and who's flying them?

A So have you a thing called the LRE: launch and recovery element. And that is a group of people that sort of do the maintenance and the taxiing and the fixing and the gassing and get the airplane on the runway.

They launch the aircraft until it establishes line of sight to

[REDACTED]

the appropriate constellation of satellites. Then it is handed off to someone that is flying, typically for the task force, either out of Indian Springs or out of Creech, we call it out now -- out of Creech or out of Cannon Air Force Base, somewhere like that.

And an individual that is specifically trained to do task force works take it is out to its operating area, it does what it does. They fly it back home. They get it to a point where it can make direct line-of-sight contact with an LRE -- maybe the one that launched it, maybe not -- and then they fly it to a position in the sky where the LRE can take it and land it and regenerate it.

Q Is Indian Springs, is that the same thing as Creech?

A Creech, that's correct. Sorry.

Q Can you spell Creech?

A C-R-E-E-C-H.

Q Where is that located?

A About 24 miles north of Las Vegas.

Q And you mentioned another.

A Cannon Air Force Base in New Mexico.

Q In terms of the pilots, it's my understanding there's a pilot, a sensor operator. Have you seen those guys work before?

A I have.

Q Talk to me about how that happens. What is going on?

A Yeah, so you have got an aviator who's flying the airplane.

Q He's a pilot.

A He's a pilot, currently. We will soon begin to train

non-pilot people to fly. Actually, I think we already are doing that. I've been out of the Air Force for a few years now, but I think we're already doing that.

But you've got an aviator that's qualified to fly the machine. And that's what that person does. Then you've got another individual whose sole job is sort of the mission package, be that sensors or weapons. And that person doesn't have to worry about flying the airplane. And they are managing the array of sensors because they are different, as you know, on some missions. And then if there's a weapon, they are the weapon employment person.

Q Would the Predator have maintenance records like an aircraft?

A Absolutely.

Q Would those maintenance records typically indicate who the pilot was?

A That is probably unlikely because the maintenance records, my guess, are going to be located with the LRE. Because our maintenance records -- we call them 781s. If you were an aviator, you understand there are things about history, time, delay discrepancies, maintenance issues. It is a fairly standard book for every aircraft. It stays with the maintenance unit. And the maintenance unit is a part of the LRE -- launch and recovery element -- which is forward. The aviators, as you know, are on the other side of the world. Can be.

Q But surely those maintenance records are in some computer system.

[REDACTED]

A I have no idea.

Q Okay. So maintenance records, you don't believe they would indicate the pilots.

A I do not.

Q Thank you. But surely they would indicate launch time, recovery time.

A Yes.

Q Thank you. Do you happen to know whether -- if Cannon and Indian both fly Predators or if it's one or the other?

A So, I do know that at Creech they fly both Predators and Reapers. They will eventually go to all Reapers. I can't speak for Cannon. It's a smaller operation. I don't know what they're flying there.

Q Do you know what else is going on at Cannon Air Force Base?

A It is a Special Operations Command Air Force Base.

Q Thank you.

A The 27th Special Operations Wing, I believe. I commanded the ops group there when it was an F-16 fighter wing before it converted to Special Operations.

Q In terms of that pilot and that sensor operator, what kind of records would exist to indicate who they were?

A I don't know, because I have never been in a Predator-Reaper thing, but we do keep records typically in all manner of aviation devices of who's in charge. And those would be with that operational squadron, whoever was flying that mission. This might be a better line

[REDACTED]

of questioning for someone in Special Operations. They know how they do it better.

Q Is it safe to say, then, that was the 27th SOC that was operating those Predators?

A No, no. What I said was it was either Creech or Cannon.

Q Check.

A One of the two was flying it. Because I think at the time that is where all of the Special Operations Command-qualified aviators. Not every Reaper pilot can fly for Special Operations Command. They get a special level of training, et cetera, et cetera.

Q We're having trouble tracking down the pilot and the sensor operators. Do you have any advice or thoughts on how we can locate them?

A Did I understand you're going to talk to Mike Repass in the future?

Q Yes, sir.

A I would ask Mike.

Q Thank you so much. I don't want to get into the woods on this, but talk to me, to the extent that you understand, about ISR capabilities of a Predator. What are those?

A In general, they are all going to fly with some sort of a visual. They have a ball on the front of it. And that ball typically has at least two types of sensors in it, an IR -- infrared -- sensor for night, and a high-definition camera sensor for day. Then, less so the Predators, more so the Reapers, [REDACTED]

[REDACTED]

Q Obviously, a Predator has the ability to be armed.

A Both the Predator and the Reaper, yes.

Q Just talking about the Predator, though.

A Okay. Got it.

Q What kind of capabilities can it have?

A Typically, we put on a Predator one or two Hellfire missiles. We have two or three different kinds of warheads that, depending on the expected mission, they would load.

Q Explain how a Hellfire might be employed, what its capabilities are, what it would be used for in terms of targeting.

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Is that a precision armament?

A The ability to hit a target is pretty precise.

Q Does it generate a lot of collateral damage, generally?

A It can.

Q The night of Benghazi, do you have an understanding as to whether or not the two Predator aircraft that were utilized, were they

[REDACTED]

armed?

A I do not know. [REDACTED]

Q It is our understanding they were not.

A I do not know.

Q Do you know if they could have been armed?

A That is beyond my scope.

Q Were you monitoring the video feed of the Predator that night or was the JOC?

A No, we weren't. In fact, I followed up on this just to make sure. Occasionally, we will watch snippets of something at our level, but I've got to tell you, most of the time -- for the four-star staff I don't like -- we call it eye candy. You put up a Predator feed and everybody is watching the Predator feed rather than doing their job. So I don't like Predator feeds in my AOC.

Q Did you have the capability to monitor the feed?

A I don't know that answer because it was a Special Operations Command mission, and sometimes those transmissions are in different channels than our broader capabilities. So I'm not dodging your question, I just don't know about that night.

Q The fact that -- did you have any control, authority over those Predators at all?

A No.

Q Thank you. This is a little after -- I apologize. Once you got to SHAPE, in the summer of June 2014 -- we evacuated the Tripoli

Embassy in June of '14. Were you aware of that evacuation?

A Yes, I'm pretty sure I was.

Q What is your recollection of that operation?

A I have almost none, because as the SHAPE commander, I'm focused on NATO and a different path. When you move up from USAFE to EUCOM, you now fall off of the AFRICOM.

Q Did you have any understanding -- I'll withdraw the question.

A I had my hands full with Putin.

Q It's been -- as you can imagine, there is crazy allegations -- but one of the allegations, sir, we've been investigating is that an airman located at Aviano said he was jerked out of bed in the middle of the night and told to prep a plane to fly.

Other than the 31st Aircraft Wing and the 86th -- let me back up. Do you have any thoughts on the credibility of that statement by this person? Allegedly, he was at Aviano, he was part of the 31st, and he was pulled out of bed in the middle of the night and told to prep planes. He's disseminated this on Facebook and we've got to run it down and deal with it.

Do you have an opinion about that, the veracity of that statement?

A Well, I think it's really sad that we have guys getting on Facebook to talk about something that I would call classified and not something that needs to be splashed on Facebook. In fact, that disappoints me. Because we talk to them about specifically not doing that.

But it doesn't surprise me that a young man got pulled out of his bed to go generate aircraft, because that's what we did.

Q I understand. But this is the conflict here, because obviously General Zobrist got the call at 9 a.m., not in the middle of night. I've got to ask.

Looking back on the events in Benghazi, knowing what you know now, Monday morning quarterback, is there a decision that you made that you think you would have made differently?

A In my cockpit at USAFE as the Africa commander?

Q Yes, sir.

A So, I think we made good and prudent decisions. I think twice as a staff we leaned forward to generate lift and we leaned forward to generate fighter capability when we were really not tasked yet to do either. And I thought long and hard about this many times, but my staff will tell you that I am a lean forward, not aft person. And I think I had some really good people advising me and I think that we did well.

Q Anything you would have done differently, though, looking back?

A I don't think so.

Q Obviously, we talked a little bit about the fact that the 86th Wing Commander probably can provide more specificity about the preparation of those aircraft, et cetera. Is there anyone else that you think it might behoove us to speak with that can help provide additional information about -- especially with regard to the Air Wing

issues?

A No, I think if you just walk yourself down that calendar. And I can't help you with the names; it just escapes me. I know the fighter guys, because those are the people I grew up with, Zobrist and others. The wing commander, the vice wing commander, or the operations group commander being the people that know what you need to know.

Q Say that again for me, please.

A The wing commander, the vice wing commander or the operations group commander.

Q Those are all at the 86th?

A That's correct.

Q Thank you. Let's go off the record, please.

[Discussion off the record.]

Ms. Green. We will take a 10-minute break.

[Recess at 2:59 p.m.]

[3:10 p.m.]

Ms. Green. We can go back on the record?

BY MS. GREEN:

Q Sir, we just have a few questions, and then we'll let you get on your way.

At the beginning of the conversation today, my colleagues handed you an exhibit, exhibit 1, and questioned whether we had clearance to fly drones in Libya. To the best of your knowledge, was that clearance ever revoked?

A Let me read this again. As was evident in the first series of questions, this was detail that slipped away from me, and this is my -- this email is from one of my political advisers actually -- not political, but State Department advisers. Do you mind if I read it real quick?

Q Of course not. No. Just so you know, so the answer is not in this exhibit.

A Yeah. I've got to tell you, I'm not dodging your questions. This particular detail has escaped me, as I talked about earlier.

Q No problem, sir. We have exhibit 2, the unclassified timeline provided by the Department of Defense. And that shows that on Tuesday, September 11th, 2012, at 9:59 p.m. Eastern European Time, an unarmed, unmanned surveillance aircraft is directed to reposition overhead the Benghazi facility.

A Uh-huh.

Q So it appears that we had drones operating. Is that

correct, sir?

A [REDACTED]

Q There has been a lot of discussion by my colleagues about fighter aircraft.

A Uh-huh.

Q And a number of hypotheticals have been presented to you about employing fighter aircraft in Benghazi. We've heard testimony from a number of uniformed military about this issue, and I just want to see if your perspective is in line what we've heard previously.

A Uh-huh.

Q Admiral Winnefeld --

A Uh-huh.

Q -- testified to this committee --

A Uh-huh.

Q -- adamantly that fighter aircraft would not have been appropriate in Benghazi.

A Uh-huh.

Q Major General Roberson --

A Roberson.

Q Roberson also testified before the Armed Services Committee, and he said, quote, "There are many factors that go into employing weapons on the ground. And having flown in Afghanistan and Iraq, it is absolutely critical that we know where we are dropping these

[REDACTED]

bombs and who we are going to kill. There was no JTAC on the ground. We had no way of contacting people on the ground from the airplane, from the pilot's perspective. There was no way to be able to affect with weapons on the ground. We didn't know who was friendly and who was enemy. There was no way that we could have been able to drop weapons in that environment from a drone or from an airplane," end quote.

Do you agree with Major General Roberson's --

A Yeah.

Q -- assessment?

A I do. And we talked about that earlier. If you don't have a way to spot the weapon so that you know what you're hitting, we're not going to drop into a confused environment.

And then the second piece is, it's not only can we hit the right target, but do we understand and accept the collateral damage that could occur. Those are all big problems with dropping into a confused situation without JTACs or some form of spotting.

Q We've also heard testimony that unsecured MANPADS presented an additional threat to air assets. Was that your sense as well, sir?

A That would align with what we talked about earlier, that the - [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Q And you mentioned General Carter Ham earlier, sir. And I believe he's testified at least seven times before Congress on the Benghazi attacks. He was very clear that he did not believe fighter

[REDACTED]

aircraft were the right tool for that mission.

A That's correct.

Q Do you agree with General Ham?

A His was the same discussion -- his was the same decision that many made. And I generated that capability just so that it would be available should a different decision be made. But I agree with his decision.

Q And you never received a tasking from him --

A I did not.

Q -- that actually --

A That's correct.

Q -- laid that out? And you didn't disagree with General Ham not giving you a tasking. Is that right?

A I completely agree with the judgment not to use kinetic weapons via fighter aircraft in that environment.

Q And sir, despite 3 and a half years, and this is now the eighth congressional investigation, some continue to criticize the military for failing to employ close air support in Benghazi on the night of those attacks. I'm not sure you have anything new to say, but is there anything we can do to sort of quell these allegations?

A I would rather not speculate or try to extrapolate or anything. I would just say that based on the time of notification, the time to generate an aircraft and fly the aircraft there to try to effect change and what happened on the ground that night, the physics don't match.

Q And why didn't you order assets to deploy from Aviano Air Base that night?

A We didn't have any tasking to deploy. I can't unilaterally decide to employ weapons on aircraft. Yeah.

Mr. Kenny. Even if you had received such a tasking, with specific respect to the assets located on Aviano Air Base, is it your sense that had you received such a tasking, that any assets would have been available to effect a difference in Benghazi that night?

General Breedlove. Well, I think I just answered that. The physics of the timeline of tasking plus generation of aircraft plus physically flying, et cetera, et cetera, they would not have changed anything to do, unfortunately, with the ambassador or others.

BY MS. SACHSMAN GROOMS:

Q And you spoke just now to the fighter aircraft. There was a long discussion the last round about the challenges with a show of force.

A Uh-huh.

Q Was it also your determination that a show of force would not be -- did you agree essentially with the determination that the show of force would not be the appropriate thing to do that night in Benghazi?

A I cannot -- I would rather not make that judgment because I think it's speculative. Remember what we said before, show of forces sometimes work and sometimes they don't. In a battle zone like Afghanistan or Iraq, where the enemy associates the sound of fighters

with bombs going off, it will have an effect.

BY MS. GREEN:

Q Just going back, sir. General Ham determined that that would not have been --

A Right, that's correct.

Q -- the right asset to employ. And do you agree with that assessment of General Ham?

A Let's go back to the other piece, which is there was not a physical timeline that could have put the show of force over the target in time to effect any change for what happened to the ambassador or that house.

BY MR. KENNY:

Q And can you just -- and I appreciate the indulgence. Can you just help explain further -- for instance, if the F-16 platforms, given the distance, did they require any additional support such as --

A Tankers --

Q -- refueling?

A -- there and back.

Q Okay. And we talked a little bit about tankers in the previous rounds. I'm not sure we discussed your understanding of the alert posture of that -- of those aircraft, which fell under your area of responsibility. Did you have an understanding of their alert posture that night?

A So as I mentioned before, when we put fighters on alert, we always either find available tankers or begin to generate tankers.

Q Okay. And on the night of the attacks, the capability --

A We had no tankers, no 130s, or no F-16s at all. There was no aircraft on alert in USAFE at the time of the attacks.

Q Okay. And for the tanker specifically, do you have a specific recollection of what the response time would have been? I know we discussed response time in generating the C-130s. How long --

A It's about the same for the C-130s, but they have to fly from Mildenhall, an extra hour-and-a-half or so, to get to Ramstein, so you would add about an hour-and-a-half to any response time.

Q In the flight time. So I think in the last round you discussed, as a general matter, 72 hours at the long end. It could be shortened to perhaps 14 hours for the C-130. Is that correct?

A Yeah. I think I said it differently. Let me restate it. Seventy-two hours is a number that is often put in a statement saying you must meet this. Seventy-two hours is probably not a realistic number when you are in an extremis moment. I think what I said before is 14, 16 hours, something like that.

Q Okay. And so for the tankers then, 14 to 16 hours, plus an additional one and a half hours of flight time that would have to be added in order to have tankers into the area where they'd be able to support any fighter aircraft?

A No. The math is really 14 hours to generate.

Q Okay.

A Then there is flight time added to that. The statement about the extra one and a half hours is that the tankers are further

north --

Q Correct.

A -- than the C-130s.

Q Right.

A The tankers fly faster than the C-130s. It's not a huge amount, but they do.

Q Okay. But irrespective of the actual time it would have taken, just generally, would the tankers have been able to -- from Mildenhall, would they have been in position to respond on the night of the attacks to support F-16s for a show of force had that been the tasking?

A The same physics apply that I mentioned before. From a standing dead stop of peacetime, no aircraft on alert, I do not think that we can physically make the timeline from ready, set, go when we were alerted to being overhead Benghazi in time to make any difference for the ambassador in that particular moment.

Q And how about for the evacuation of the personnel from Benghazi?

A So we did do that. I mean, our aircraft, we had a C-17 go down. We actually launched, as you know from the record, a C-130 ahead of the C-17, but because of the speed of the C-17, it actually beat the 130 there, picked up the folks, and was headed back.

Q Okay. So our understanding, sir, is that the personnel were evacuated from Benghazi back -- retrograded back to Tripoli.

A That's correct.

Q And that the C-17 --

A Picked them up there.

Q -- picked them up there.

A That's correct.

Q In terms of you mentioned not being able to effect a difference with respect to the ambassador. I just was asking the question a bit more broadly.

A Uh-huh.

Q Would it have made a difference or affected the outcome with respect to the other personnel in Benghazi, the other State Department and other U.S. Government employees?

A So I would have to do that math. I do not think that it would have made a difference vis-à-vis what the evacuation that you saw was.

Q Well, so -- and if I could just direct your attention, and I won't --

A Yeah.

Q -- ask you, sir, to do any math on the spot, but exhibit 2 is the unclassified timeline that's been prepared from DOD. And on the second page, you'll see, sir, at 7:40, Libyan local time, which is the right-hand column.

A Uh-huh.

Q Under Wednesday, September 12.

A Right.

Q First wave of American personnel depart.

[REDACTED]

A Uh-huh.

Q At 10 a.m. the second wave depart.

A Uh-huh.

Q So given the timeline that you had outlined for us before, 14 hours, 16 hours, plus flying time, plus perhaps an additional one and a half hours flying time coming from England, is it your opinion, sir, that tankers could have been in position in order to support fighter aircraft from Aviano in order to affect the difference in Benghazi?

A Okay. Let me see if I can figure this out. So if we were able to meet a 16-hour generation, about a 3-and-a-half hour flight time, plus the extra hour out of Mildenhall from our notification time, that would have been the next day, but that's 3:30 a.m. here. The tankers would -- I do not think would have been available for these two time lengths.

Q Okay. So they wouldn't have been available to assist with a mission in Benghazi?

A Not to meet that time length.

Q Okay. And I just had a --

A That's math in public here.

Q I understand, sir. On the record, it will look instantaneous.

A Got it.

Q So I thought I heard you say, with respect to the F-16 platform, that General Ham's decision was the same decision that was

[REDACTED]

made by others. And as far as we understand, the way the National Command Authority works, from the President to the Secretary of Defense to the combatant commander, when you say same decision as others, do you mean sort of to say recommendations would have been put forward to General Ham?

A So I really cannot -- this is a place where I just don't have knowledge of what Carter was doing with the Chairman, with Marty Dempsey and what was happening up there as far as that goes. The general conclusions that General Ham came to matched the recommendations of my staff, and that is, this is not appropriate for kinetic action, and a show of force will be limited because we will be at such an altitude, et cetera, et cetera, that it may or may not have effect, especially since the local population had not been conditioned.

Q Okay. Thank you.

BY MS. GREEN:

Q Sir, you mentioned that your staff began -- that you directed your staff to proactively spin up once you heard about what was going on and --

A Actually, it was the chief of the AOC, the JOC -- the AOC director that started the spinning up the 24/7 crew that was there, and then they started running the recall that eventually got me headed to the AOC.

Q And during the course of those events, as they are preparing, did anyone ever tell them to slow down or stand down in their

efforts to sort of spin up?

A No.

Q Did anyone ever slow down their efforts for any reason?

A That's not in our DNA.

BY MR. KENNY:

Q I would just like to ask a few follow-up clarifying questions, sir, and I do appreciate the indulgence. I know some of these questions can be a bit granular, and we are more than --

A Sure. Go ahead.

Q -- a few years removed from the facts, so I we appreciate it.

Just to talk a little bit about where you sat on the night of the attacks. I think I heard you say an AOC?

A Uh-huh.

Q Can you define for us what that is, sir?

A Air Operations Center. So you're probably most familiar with the big one at Al Udeid that does the grand war for Afghanistan and Iraq. In the European theater, the 603rd AOC is our Air Operations Center there at Ramstein Air Base.

Q Okay. And so is that a separate facility from what's referred to as the Joint Operations Center, the JOC?

A The JOC is actually at a combatant command headquarters where you have a joint team. The AOC is also joint, but it is a uniquely an Air Operations Center.

Q Okay.

[REDACTED]

A For instance, just to clarify, for EUCOM, the JOC is in Stuttgart at the EUCOM headquarters, and the AOC is in Ramstein at the Air Force headquarters.

Q Okay. Now, that's helpful to understand --

A Yeah.

Q -- because they are separate and distinct facilities?

A Absolutely.

Q Is the JOC that belongs to AFRICOM, is that even in a separate facility?

A No, it's in Stuttgart as well, but two different locations in Stuttgart. You have a headquarters for AFRICOM and a headquarters for EUCOM.

Q Okay. And you had mentioned discussions occurred at the staff level. You referred to a series of staff level codes, J codes, A codes.

A Uh-huh.

Q Was it your sense, sir, at the AOC, that your staff were engaged with their counterparts in the EUCOM JOC or the AFRICOM JOC on the night of the attacks?

A There would have been a very light involvement with the EUCOM staff because, again, EUCOM would have been purely in a supportive role, trying to help with country clearances and things where they have a better relationship with the European countries. The staff would have been more demonstratively engaged at all levels with AFRICOM staff.

[REDACTED]

Q Okay. And that's helpful. So it sounds like the AFRICOM JOC was the primary node?

A Absolutely.

Q Okay.

A Yeah, this is an AFRICOM AOR.

Q And then as far as the crisis response, the crisis response planning --

A Uh-huh.

Q -- would that primarily occur within that AFRICOM job?

A Yes, that's correct.

Q Okay. And --

A Well, you know, let's be intellectually honest. Much like I described the three levels of planning in the air operation, the COCOM staff at AFRICOM would do certain types of plannings, but they would push out to their components other kinds of planning.

Q Sure. And you had mentioned to us earlier that shortly after you arrived in the AOC, you received a request for information specifically with respect to air assets at Aviano. Is that correct?

A No, it was later. What happened almost immediately was that we made a decision, again, based on the wonderful recommendations of my staff, to begin generating C-130s, generating air crews to mate up with the C-130s. Then we had a period of time where we got a query from the AFRICOM staff about fighters.

Q Right.

A No tasking, but a query. And it's at that time the staffs

have been talking, and my staff again recommended it's time for us to start generating fighter aircraft, to which I completely agreed.

Q Sure.

A And we tasked through the 3rd Air Force to the wing at Aviano to begin to generate.

Q And that's certainly appreciated, sir.

A Yeah.

Q I think you described the process of leaning forward. With respect to the AFRICOM JOC, when you receive a request like that, does that suggest or indicate to you that there are at least discussions, however preliminary they may be, occurring within the AFRICOM command with respect to whatever asset that inquiry is about?

A Yeah. I think you could certainly infer that, but I do not know that clearly, you know. The staffs are talking. They do that.

Q Sure.

A Then you --

Q And I just --

A Yeah.

Q So did you have -- what was your level of visibility then into the discussions, the planning processes within AFRICOM at that point?

A So we are again sharing intel, sharing discussions of that intel, and the staffs are talking like they always do. The head of operations is talking to the head of operations at AFRICOM. The logistics guys are talking about where is our gas, where are our

weapons, you know. Everybody is sharing.

Q Okay.

A And so in the conversation of that sharing, the subject of fighters comes up. No tasking, staff's talking, we decided to lean forward and start generating fighters.

Q Sure. And was there sense that there was -- the level of information sharing that was occurring that night, was it your sense that the bubble was being leveled, so to speak, with respect to the different --

A The two staffs were connected.

Q Okay.

A Yeah.

Q And I think you also mentioned that it took about 30 minutes for you to arrive on site after you first received notice to the AOC?

A No. The 30 minutes after -- actually, I think it was 28 minutes after, but about 30 minutes after we were notified, we took the decision to start generating C-130s. I went straight to the AOC with a beard, which is not good in uniform, but you don't -- this is not the kind of thing you get pretty for. You get into your flight suit, you put your boots on, and you go to work.

Q Right. Okay. And that's helpful. What I guess I'm trying to understand is it took -- you received notice.

A Uh-huh.

Q You're at your quarters.

A Right.

[REDACTED]

Q And you go to the AOC.

A Right.

Q In that time period, is it your understanding your staff had already been engaged in a dialogue with AFRICOM?

A They're talking already, and they were ready to give me that recommendation at 30 minutes or so, that we needed to move out.

Q So when we talked before about the alert posture of different aircraft, whether we're talking about C-130s or tankers or F-16s, is that information that would have been widely available or shared within AFRICOM? Would AFRICOM be aware of that information?

A Everybody knows the status. We again were at a peacetime stage with no aircraft on alert.

Q So AFRICOM wouldn't then need to send a formal tasking or request for information for that information from your AOC. They would essentially already know that information or their staff may have retrieved it at an earlier point?

A I don't want to answer that because I don't know the answer to -- I can't answer for what Carter Ham's staff did as far as our status. I can answer for what I do --

Q Sure.

A -- in my job now, and I would have been aware of the alert status of the airplanes. I get briefed on it every morning.

Q Sure. And we understand that the AFRICOM actually activated or set up what's referred to as the focal point operation center.

[REDACTED]

[REDACTED]

A Uh-huh.

Q Was that something that you had visibility into those discussions that occurred within the FPOC?

A Okay. You are using terms that mean two different things to me. A focal point center is -- focal point is a very distinct control of certain classified information, and now you're mixing that with an FPOC. I don't -- I'm not -- I can't speak to those two things.

Q Okay. So maybe we'll focus on --

A Focal point is not a -- those words mean something very specific to me.

Q Okay. How about FPOC?

A The FPOC. Yeah, I don't know what his FPOC stands for. I don't have the same thing in my headquarters, but --

Q Okay.

A -- he will have -- the way we generally do things -- let me describe how I do it, and my guess is it would have been similar, but I cannot say how Carter did his headquarters. You have a JOC is the larger description, Joint Operations Center, and if you were having a distinct issue, quite often you will segue away a certain number of officers with certain kinds of skills to be a very focused cell to deal with that. While the whole -- because remember that AFRICOM is still worried about the rest of Africa as well. So it wouldn't surprise me if he had a small separate group. I think that's what you're asking me.

Q Yes. I'm just wondering -- we understand that there was

[REDACTED]

something that was an FPOC that was stood up, It was a higher classification operation center within AFRICOM.

A Now you're talking about focal point, the first side, and now you are making sense, yeah.

Q Okay. So we'll go back to the first, sir, and thank you for the clarification. So the focal point, and I was -- you were asked in an earlier round whether you had communications with Admiral Leidig, Admiral Landell -- or perhaps, I don't think you were asked if you were having communications with Admiral Landell. Do you recall --

A No.

Q -- discussions with him?

A So let me try to describe to you how this worked. As you know, General Ham was back in D.C. And he was dealing directly with the Chairman and others. And so he was in a communication loop there. I'm forward, and my staff is dealing with AFRICOM. And what we don't typically do is the big elephant, talk to people below in the staff. That's kind of not appropriate.

So since Carter was in the United States talking directly to the Chairman, most of my staff was doing the interaction with AFRICOM's staff at the commensurate levels, talking to each other peer to peer. And then I was getting briefings from my staff.

It would have been inappropriate for me to call over and start putting my fingers into Carter's staff. Does that make sense?

Q No, perfectly, sir. I appreciate the clarification.

A Yeah.

Q Just in terms of planning, you described, at various points today, a sense of waiting to receive a tasking, that you were leaning forward in some respects, but also waiting for an official or a formal tasking. And I just didn't -- I'm not sure, I don't want to have a misimpression that somehow anybody was sitting around, waiting around, sitting on their hands, and not doing anything.

A I wouldn't describe it the way you're saying it. We were busy generating capabilities should they be required. We weren't sitting there going: I wish we had a tasking; when are they going to call us with a tasking.

Q Right.

A I'm not trying to be willy-nilly here.

Q Right.

A We had work to do, and we were generating our aircraft. My job was to have capability and capacity ready. We talk about, as a subordinate commander, to offer solutions to our superior commanders, and I was generating the kind of force that would allow me to do what I thought he or she might ask me to do.

Q Okay. Thank you. And we --

BY MS. SACHSMAN GROOMS:

Q And as you were generating those and people were working and moving forward --

A Uh-huh.

Q -- was the information and the updates being shared back with --

A Oh, absolutely. It's like I said, they're going to know -- they'll start tracking our generation as well. Yeah.

Q So it wouldn't, at that point, be necessary for someone to tell you to start doing it. They would know you're already doing it, and then they would just be keeping up and know that when you were in fact at the point that you were ready to go or getting closer to ready to go, that's when they needed to send specific instructions. Is that --

A Well, it's sort of like you are describing. Once they realize we are generating force, they are going to watch what force we have available at what times.

BY MS. GREEN:

Q General, I'm going to ask you a series of questions that we ask every witness. It's our understanding that while many of these questions have been answered by a previous reports and investigations --

A Uh-huh.

Q -- our colleagues in the majority continue to pursue them. So I just want you to bear with me. And I'm asking for here not an opinion but whether you have firsthand information.

A Uh-huh.

Q And if you don't, we'll just move on the next question.

A Sure.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One

congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel were temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of, and appropriateness of, that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead

there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask you this question also for documents provided

to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q Almost finished. It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi, were ordered by their superiors to stand down, meaning to cease all operations.

Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However,

former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy them?

A No.

Ms. Green. My colleague, I think, has another question for you.

General Breedlove. Sure.

BY MR. KENNY:

Q Sir, just one housekeeping matter here, and I think it's -- we think it's clear in the context of our discussion today, but just so that the record is absolutely clear, I recorded in my notes, when we first were having a discussion about the C-130s, and I thought I heard you say that as soon as you arrived at the AOC, that you ordered the stand down of the C-130s in case we needed them, and I just wanted to offer you the opportunity, sir, if you used the term "stand down" with respect to the C-130s?

A Yeah, that's actually kind of an accurate term because

that's the first thing you do when you begin to generate aircraft. You kind of stand that fleet down, you pick out the right ones, and you begin to build up the right ones to be put on alert.

We were in the middle of the night, none of them were flying, so stand down is kind of an inappropriate term, but that's kind of -- that's just language we use.

Q Okay.

A So the bottom line is if you have a fleet doing stuff and you now have a contingency, you say stand down and get ready for the contingency.

Q I understand.

A Does that make sense?

Q Thank you, sir.

Ms. Green. That concludes our questions, sir. We can go off the record.

[Discussion off the record.]

Mr. Tolar. Back on record, please.

BY MR. TOLAR:

Q Sir, does USAFE at the time, did you have a liaison officer at AFRICOM in the JOC?

A I do not know that answer. I would expect, but I can't answer it. I'm sorry.

Q Do you believe you probably did?

A I probably did.

Q And if you did, would they not be keeping AFRICOM informed

of all your activities, in theory?

A They, and I think the routine interaction of the staffs would keep them involved, yes. That's what staffs are supposed to do, yeah.

Q And I apologize if I misunderstood, but again, would maintenance records for a C-130 indicate when that plane was prepared or ready for handover to the pilot or launch, pick your word?

A Yes.

Q Thank you. Once an aircraft is prepared by the maintainers, I may need you to explain this process, but basically it's hand over to the pilot and he says, I got it, he looks at it, explain to me what happens once the maintainers have it ready, what the pilot does, and typically how long that takes.

A So when an airplane of any kind goes through a generation, it comes to a specific status where maintenance says it's pilot ready or crew ready. The crew is brought out to the airplane. The crew does its own records review of what we call the 781 -- 781 is just a stupid number.

The crew does a review of the 781. Some of the crew in a big aircraft go inside and begin to do the pre-flight checkout. Other of the crew, typically the crew chief and one of the aviators, do a visual inspection to make sure that the aircraft is truly ready to go.

You have to -- if you're going to go fly an airplane, you want your eyes to have looked at it. So once the aircraft is quote-unquote crew ready or pilot ready, a crew goes out and accepts the aircraft.

And that is, as I said, first a document review and then a visual inspection.

Q Typically, how long would that take for a C-130, recognizing that's not your platform?

A I --

Q Ten minutes? Is it an hour?

A Oh, it's not an hour. It's 15, 20 minutes, I guess, yeah.

Q Once they do that, are they at that point ready to get in the bird and take off, assuming they are told by the tower to take off?

A They will go on status.

Q On status?

A That's correct.

Q And so what does that mean?

A That means they are ready, if tasked.

Q Okay. Got it. And --

A I'm using fighter terms. It will be approximate in a airlift world.

Q Yes, sir. I want you to talk to me just for a minute, sir, about the recall of your generators. And what I'm trying to do is flush out the fact that it takes a little while to do this, all right. I'm assuming this.

A Sure it does.

Q Especially at Ramstein. I'm assuming folks don't live on base.

A That's correct.

Q So when your staff started that recall, talk about where your people live, how long it takes them to get there. Once they get there, can you start doing something when three guys show up, or do you need the whole crew there? Kind of walk me through that.

A So it would be almost the same as if you did a recall of the Congress, you know. The Congress lives all around this area in different places, and you all live in different places. People are going to come from 15, 16 different directions to respond, and they will report to their work centers, check in. They get a very quick security brief, et cetera. They get put on task.

Those that can start early work, begin it. Those that have to wait until they have an entire crew assembled, do that. A weapons load team is three people. They don't start with one. When they get three, they start, et cetera.

So it is a process of assembling. It is not immediate. It is tied to all the same physics that would be a recall here in the Washington, D.C. area from disparate locations, directions. Some of them are going to go by and have to drop children off at someone's house. They always have a plan for, you know, if they're a single parent or whatever, what they have to do with their kids. It is a process, and it takes time.

Q As the component commander, do you dictate how much time your supportive organizations have to effect a recall?

A For things like we were talking about, for ORIs and things, you have --

Q For what, sir?

A ORIs, operational readiness inspection that we talked about, you have certain targets that you're supposed to hit, yes.

Q Do you recall what the requirement would have been for the 86th?

A I do not know what our lift wing does.

Q Air Force has some Special Ops guys, PJs?

A Uh-huh.

Q Did you own any PJs? Who owns -- let me do this. Who owns PJs?

A They belong to the Special Ops Command.

Q The Special Ops Command.

A That's correct.

Q An AF Special Ops Command or SOCEUR?

A Yes, because AFSOC contributes force to SOCEUR.

Q You don't have any command or control over those guys, the PJs?

A Not directly, no.

Q All right. Thank you. Any thoughts about -- obviously, since 9/11, DOD has implemented the new normal?

A Uh-huh.

Q Any thoughts about how that's been implemented? What positive changes have manifested or come about as a result of the new normal? Just talk about how we're better off today, if you feel that way?

[REDACTED]

A We are. No, we are. We are. And we need to be, again, intellectually honest.

We have aircraft that are on alert. And as I explained earlier today, that has a price in readiness and training. We breathe that alert. When we are not seeing something very disturbing, the alert will be longer, and when we see things that are more concerning, we breathe the alert in, and it's closely tied to the same sort of alert breathing on the land, response forces, et cetera.

So we are in a better place. But let's remember, and I don't mean to be preachy, but physics is physics, it takes a certain amount of time to fly from Rota to any place in Africa. A lot of people in this world don't realize you could put three-and-a-half of those Americas in Africa. It's a big, big place.

Q And last question. If you will, just kind of talk about as we think about where we are today and how we can better prepare ourselves, what responses, talk about the necessity of forward-basing assets, things of that nature.

A Well, I was just going to say location, location, location. Physics. The closer you are to the objective area, the better off you're going to be.

The nations along the northern Mediterranean are invaluable to us, and our forward basing in those nations is invaluable. And I would just throw a point of conversation out there. We move forces around in these nations now on extremely short notice with the approval of these nations. [REDACTED]

[REDACTED]

Pick

some nation. How do you think it would work if they showed up in the United States and they said: We're going to Florida with this force today; 2 days later, we want to be in Texas; 2 days later we're going to Arkansas. How good are we going to be at that?

We've got some pretty good allies who provide us a lot in the Mediterranean that allow us to best position and react to what we do. I don't think they get enough credit for it, quite frankly.

Q Are there places where you think it would behoove us to have more forward bases?

A Well, I think there has been -- I will not postulate there. I would just say that we have to make and think about where our forces are.

Q Outside of our forces in thinking about the new normal, is there anything else, any other recommendations that we need to be thinking about to better posture ourselves for the future?

A Well, I continue to testify to and talk about, as you just mentioned a few minutes ago, the absolute need and the value of forward-based forces. It's not just about the physics. It's about the relationships. We talked about earlier, as the Supreme Allied Commander Europe, I can pick up the phone and call Claudio in Italy and normally make things happen pretty fast. Why is that? Because I've commanded Aviano Air Base, I've flown in Italy for half of my adult life off and on, and I have relationships with these people.

Forward-based forces bring relationships and trust. And you

cannot surge relationship and you cannot surge trust. You either have it or you don't. So forward-based forces build these relationships and these trust relationships that are very important, as well as the physics of being forward.

Q And would that include things like mil-to-mil programs generated by the AFRICOM J5 throughout Africa?

A All of our programs that allow us to interact with and build partnership capacity are important.

Mr. Tolar. Shannon?

Ms. Green. We're finished.

Mr. Tolar. Sir, on behalf of the committee, Chairman Gowdy, I appreciate your time, appreciate your service, and have a great day. We are off the record.

[Whereupon, at 4:02 p.m., interview was concluded.]

EXHIBIT 1

C061222491ED U.S. Department of State Case No. O-2016-10902 Doc No. C06122249 Date: 12/08/2016
 SCB0089314-MOU

From: Hicks, Gregory N <HicksGN@state.sgov.gov>
Sent: Sunday, August 19, 2012 5:35 AM
To: [REDACTED]@state.sgov.gov>; Stevens, J. Christopher
 <StevensJC@state.sgov.gov>; [REDACTED]@state.sgov.gov>;
 [REDACTED]@state.sgov.gov>; [REDACTED]
Cc: [REDACTED]@state.sgov.gov>; [REDACTED]
 [REDACTED]@state.sgov.gov>; NEA-LIBYADESK <NEA-
 LIBYADESK@state.sgov.gov>
Subject: RE: (S/NF) OI August 17

[REDACTED]

Thanks. See embedded comments/questions below.

Best, Greg.

Sensitivity: Sensitive

Classification: ~~SECRET//NOFORN~~

Derived From: Derived from: Derived from previous message in thread.

Declassify On: 2022/08/19

From: [REDACTED]
Sent: Saturday, August 18, 2012 12:36 AM
To: Stevens, J. Christopher; Hicks, Gregory N; [REDACTED]
Cc: [REDACTED] NEA-LIBYADESK
Subject: (S/NF) OI August 17

As noted in the unclass O-I, we have two items for you:

- [REDACTED]
- **Activity in Sirte:** [REDACTED]
 [REDACTED] This may suggest a GOL, NGO, or UNSMIL effort to consolidate and secure conventional munitions. Does post have any information about what this might be? How close is this stuff to Bechtel's power plant project? Also, will bring this up at Wednesday morning security meeting [REDACTED]

Best regards,

[REDACTED]

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122249 Date: 12/08/2016

C06122249 UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122249 Date: 12/08/2016

Sensitivity: Sensitive

Classification: ~~SECRET//NOFORN~~

Classified by: Beth Jones, Acting Assistant Secretary, NEA, State

Reason: 1.4(b), (d)

Declassify On: 2022/08/17

From:

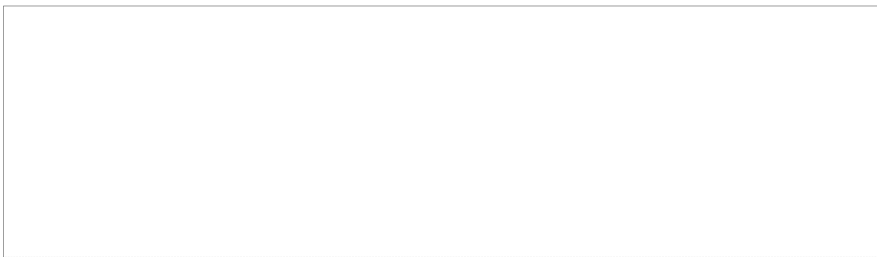
Sent: Friday, August 17, 2012 11:38 AM

To:

Subject: [S//N] Questions on Libya

CLASSIFICATION: ~~SECRET//NOFORN~~

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122249 Date: 12/08/2016



I am going to be seeing Amb Stevens in Stuttgart on Monday evening over dinner, so can also discuss informally with him. If you have any quick thoughts for me prior to then, that would be great. Please also pass on to the Libya Desk or whomever needs to see this.

Regards,

A small rectangular area of the signature line is redacted.

A long rectangular area below the signature line is redacted.

A small rectangular area above the address is redacted.

U.S. Air Forces in Europe (USAFE)
Air Forces Africa (AFAFRICA)
Ramstein AB, GERMANY

A rectangular area below the address is redacted.

CLASSIFICATION: ~~SECRET//NOFORN~~

EXHIBIT 2



THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

LEGISLATIVE
AFFAIRS

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

MAY - 1 2013

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012

All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012

EDT // EET

- ~3:42 pm // 9:42 pm The incident starts at the facility in Benghazi.
- 3:59 pm // 9:59 pm An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
- 4:32 pm // 10:32pm The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
- 5:00 pm // 11:00pm Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
- 5:10 pm // 11:10 pm The diverted surveillance aircraft arrives on station over the Benghazi facility.
- ~5:30 pm // 11:30 pm All surviving American personnel have departed the facility.
- 6:00-8:00 pm //
12:00-2:00 am Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:
- 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.
 - 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.
 - 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.
- During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
- ~6:30 pm // 12:30 am A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

- ~7:30 pm // 1:30 am The American security team from Tripoli lands in Benghazi.
- ~8:30pm // 2:30 am The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
- 8:39pm // 2:39 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
- 8:53pm // 2:53 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
- ~11:00 pm // 5:00 am A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
- ~11:15 pm // 5:15 am The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

- 12:05 am // 6:05am AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
- ~1:40 am // 7:40 am The first wave of American personnel depart Benghazi for Tripoli via airplane.
- ~4:00 am // 10:00 am The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
- 8:15 am // 2:15 pm The C-17 departs Germany en route Tripoli to evacuate Americans.
- 1:17 pm // 7:17 pm The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
- 1:57 pm // 7:57 pm The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 2:56 pm // 8:56 pm The FAST platoon, and associated equipment, arrives in Tripoli.
- 3:28 pm // 9:28 pm The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 4:19 pm // 10:19 pm The C-17 arrives in Ramstein, Germany.
-

INTERVIEW OF GREGORY NATHAN HICKS

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 14, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

CHRIS DONESA, *Deputy Staff Director*

SHARON JACKSON, *Deputy Chief Counsel*

CRAIG MISSAKIAN, *Deputy Chief Counsel*

MAC TOLAR, *Senior Counsel*

CARLTON DAVIS, *Counsel*

SHERIA CLARKE, *Counsel*

KIM BETZ, *Member Outreach Liaison and Counsel*

SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*

PETER KENNY, *Minority Senior Counsel*

SHANNON GREEN, *Minority Counsel*

LINDA COHEN, *Minority Senior Professional Staff*

FOR GREGORY NATHAN HICKS

VICTORIA TOENSING, Esq.

diGenova & Toensing, LLP

1776 K Street, NW

Suite 737

Washington, D.C. 20006

Ms. Jackson. We'll go on the record. Good morning. This is a transcribed interview of Gregory Hicks being conducted by the Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya and matters related to it pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Mr. Hicks, could you state your full name for the record, please.

Mr. Hicks. My name is Gregory Nathan Hicks.

Ms. Jackson. Okay. Good morning. We appreciate your appearance today. As you know, we've introduced ourselves earlier today. My name is Sharon Jackson. I'm with the majority staff. And for the record, we'll have everyone go around and introduce themselves so we have a record of who is here today, and we'll start with your lawyer.

Ms. Toensing. Victoria Toensing.

Ms. Jackson. Okay. Peter.

Mr. Kenny. Peter Kenny, minority staff.

Ms. Green. Shannon Green with the minority.

Ms. Clarke. Sheria Clarke, majority.

Ms. Betz. Kim Betz with the majority.

Mr. Davis. Carlton Davis. I work for Trey Gowdy.

Mr. Missakian. Craig Missakian, majority staff.

Mr. Dones. I'm Chris Dones with the majority staff.

Mr. Kiko. Phil Kiko with the committee.

Ms. Jackson. Okay. Before we begin, I would like to go over the ground rules. We all understand that you were interviewed prior -- previously by the House Oversight and Government Reform and that you've also testified in a hearing before the House Oversight and Government Reform, but again, just because it's been awhile, I'd like to take a few minutes and go over the procedural rules that will govern this interview today.

Generally, how the questioning goes, is that a member of the majority staff will ask questions for an hour, and then we'll turn it over to our colleagues on the minority staff where they will have an equal amount of time. Generally we transfer back and forth until each side is -- has exhausted all of the questions they have.

We do anticipate that Members of Congress will be joining us today, and they may have questions when they are present in the room.

Questions may only be asked by a member of the committee or the staff. But unlike testimony or deposition in a Federal court, the committee's format is not bound by the rules of the evidence. The witness or your counsel may raise objections for privilege, but those are subject to review by the chairman of the committee.

If those objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing. Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This is generally not an issue that we've encountered, but it is one of the procedural rules that govern our interviews.

We are in a classified setting. Everyone here is cleared at the TS/SCI level. We do ask, to the best of your ability, that if you know you're delving into a highly sensitive classified issue, that you flag that before you give your answer. It will just help in the classification review of the interview afterwards, but again, there will be a classification review of the interview, so it's not incumbent upon you to do that with every answer.

You are welcome to confer with your counsel at any time throughout the interview, but if a question just needs to be clarified, repeated, or broken down in some way, we just ask that you ask us to do that first, and we will rephrase the question, ask it again, because it is very important that you understand the questions that are being posed to you before giving your answer.

However, if you do want to confer with your counsel, please just inform us. We will, you know, go off the record, stop the clock, and allow you a private opportunity to confer with your counsel.

We will also take a break whenever it's convenient for you. Typically, we do this after each round of questioning or every hour, but if you would like a break before then, please let us know.

We have water here, but if you would like something else, coffee or anything, just please let us know, and we'll arrange for that to be here. We're going to try and make this process as comfortable and easy as possible on you.

We do have an official reporter taking down everything that we are saying today so that we have a record of these proceedings. So

it is important that you give verbal responses to any questions, and it is also important that we try, to the best of our ability, not to talk over each other. So I will make sure that you have finished your answer before I ask my next question, and I would ask you to try to allow the question to be completed before you give your answer, and I give the court reporter full authority to interrupt us and say, "one at a time," which I've been told by many a court reporter in Federal court.

As I've said before, it's very important that you understand the questions that we're asking before you give your answer because we are trying to get your best recollection of events that happened, and we understand, happened several years ago. So we understand that memories fade over time and things may not be as clear as the day that they happened or the day after they happened, but we are wanting to get your best recollection of the events that happened in Libya and afterwards.

We ask that you give us your best recollection, but if there's things that you do not know or cannot remember, please just say so, and if so, if you could, inform us who might have an answer to that question because we are trying to gather the most complete picture of the events that occurred in Benghazi, in Libya, and elsewhere afterwards.

Mr. Hicks, do you understand that you are required to answer questions from Congress truthfully?

Mr. Hicks. I do.

Ms. Jackson. Do you understand that that also applies to questions that are posed by congressional staff?

Mr. Hicks. I do.

Ms. Jackson. Okay. Do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements?

Mr. Hicks. I do.

Ms. Jackson. Is there any reason that you'd be unable to give us truthful, complete, and candid answers today?

Mr. Hicks. I know of no such reason.

Ms. Jackson. Okay. Well, thank you. That's the end of my preamble. I would ask the minority if they have anything that they would like to add.

Mr. Kenny. I'd just take the opportunity to thank you, Mr. Hicks, for appearing here again, and we look forward to speaking with you.

Mr. Hicks. Great. Thank you.

Ms. Jackson. Mr. Hicks, do you or your lawyer have anything you would like to add before we get started today?

Ms. Toensing. I do not.

Mr. Hicks. I do not either.

Ms. Jackson. Okay.

EXAMINATION

BY MS. JACKSON:

Q Mr. Hicks, we understand that you were the deputy chief of mission at Embassy Tripoli in the summer of 2012. Is that correct?

A I arrived at post on July 31st, 2012.

Q Okay. And so you were physically present in Libya on the day of the attacks?

A I was. I was in Tripoli.

Q All right. And prior to arriving in Benghazi, or I'm sorry, in Tripoli, had you been kept apprised of events that were occurring in Libya and issues or events that were occurring at the Embassy and/or in Benghazi?

A Yes, I had.

Q And how did that work?

A Sorry. In September of 2011, I began Arabic language training to elevate my Arabic skills from a record level of 2+/2 to the required level of 3/3.

Q I assume 3/3 is a higher level of fluency?

A Yes.

Q Okay.

A It's considered professional -- the minimum professional level for a senior position in a language designated post overseas, and Tripoli was language designated for Arabic.

During that time, I was in contact with the DCM in Tripoli, [REDACTED]

[REDACTED], who she proceeded me in the position.

Q And DCM is an acronym for deputy chief of mission?

A Yes, it is.

Q Okay. And deputy chief of mission is the number two position at an Embassy?

A Correct.

Q Okay. So again, how did you keep -- how were you being apprised of events in Libya and/or with the Embassy and Benghazi post?

A So she would email me from time to time giving me an update on how the standing up of the new Embassy was working, what issues they were facing, and the issues that I might actually be required to face when I eventually arrived at post.

Naturally, during the fall of 2011, the events of Qadhafi's fall were unfolding, and we monitored those events very closely in realtime in our Arabic classes. We were doing that in Arabic language naturally. It was a terrific opportunity to identify the major players in Libya to come to understand the political issues at play in the country, and so it was an additional method for me to prepare myself for my assignment.

Prior, if I may?

Q Yes.

A If I may, prior to beginning Arabic, I had been part of a team of interagency officials who had been planning for U.S. policy after Qadhafi's fall.

Q And when did you join that group?

A I joined that group in March of 2011, if I recall correctly. I worked -- we had four working groups, one on security, one on governance, one on economics, and I believe one on public cultural exchange affairs, although that one is still fuzzy in my mind.

I worked on the economic and governance groups because I was the

representative of the Bureau of Economic and Business Affairs at the State Department to this group.

Q You stated that you started receiving these communications from Deputy Chief of Mission [REDACTED] in about September of 2011, so it had already been determined that you were going to succeed her as DCM?

A It was chosen by the Assistant Secretary for Near Eastern Affairs, Jeffrey Feltman to be deputy chief of mission after Ms. [REDACTED] in February of 2011.

Q Okay.

A Or was it 2011? 2010, I believe.

Q 2010. And we're joined by Congresswoman Susan Brooks from Indiana.

Mrs. Brooks. Good morning. Sorry to interrupt you.

Mr. Hicks. My pleasure to meet you.

Mrs. Brooks. Thank you. Good morning.

BY MS. JACKSON:

Q So Mr. Hicks, when you arrived in Tripoli on July 31, 2012, you immediately assumed the position of deputy chief of mission?

A Yes, I did.

Q Had Ms. [REDACTED] already departed country?

A She departed in June.

Q When you got there, were there any plans discussed or made for the Ambassador to travel to Benghazi in the summer of 2012?

A When I arrived at Tripoli airport, I was met by Ambassador

Stevens. That was a surprise to me. I did not expect him to be there. Prior to arrival, we had had lunch together after he was sworn in to the office by Secretary Clinton. He was quite excited after that meeting, and he described to me that a conversation in which Secretary Clinton had asked him to make our outpost in Benghazi a permanent diplomatic post, a consulate.

Q Okay. Let me just get some timing down here.

A This is --

Q Ambassador Stevens was sworn in here in Washington to be the Ambassador to Libya. Is that correct?

A Correct.

Q Was that approximately mid-May of 2012?

A Yes, it was.

Q And from the time he was sworn in, how long was it before he went to Tripoli and physically assumed the position of Ambassador?

A It was days.

Q A week to 10 days, thereabouts?

A Yes.

Q And was it in that time period that you had lunch with now Ambassador Stevens?

A Yes, it was.

Q Okay. Was it on the day he was sworn in, or do you recall?

A No, it was not on the day he was sworn in. It was afterwards. And between his swearing in ceremony and his departure to post. He wanted to touch base.

Q And tell us about this meeting lunch, you had with Ambassador Stevens.

A It was basically just reviewing what we expected to have to deal with going forward in terms of moving Libya from the Qadhafi dictatorship to a member of a democratic country with a growing economy, stable politically, and one able to secure its borders, and part of that was what kind of activities we would be overseeing and managing.

Q Did you expect that to be a challenging job?

A I expected it to be the most challenging job of my career.

Q Libya was still in a state of flux at that time?

A It was very unstable. The political situation was unclear how they were going to be able to navigate from dictatorship to democracy.

Q Okay. You stated that Ambassador Stevens was very excited about a potential trip by the Secretary of State?

A That discussion took place in August.

Q After you were in Libya?

A After I arrived.

Q Okay. Did he describe for you a meeting he had with the Secretary of State?

A Yes. And in that meeting is, again, the key point that I remember from that meeting was his excitement about the possibility of making Benghazi a consulate, actually reestablishing a consulate there.

Ms. Toensing. Could you clarify which meetings because we're

talking --

Mr. Hicks. Yeah, the meeting --

Ms. Toensing. -- about the lunch and then when you arrived.

Mr. Hicks. Right. So the lunch meeting is when -- is what I'm talking about, his excitement. When I arrived in Libya, if that's what we're discussing, I asked him how is the Benghazi project going, and his response was: Well, we've been very busy, and we haven't made much progress on it.

BY MS. JACKSON:

Q Okay. Well, let's --

A So this surprised me, but at the time, given the dynamism of his excitement of our lunch in May.

Q Okay. Let's go back to the lunch and focus on that for just a few minutes.

So you had lunch in the middle part of May but after Ambassador Stevens had been formally sworn in by Secretary Clinton. Is that correct?

A That's correct.

Q Okay. And during that conversation with him over lunch, he related to you a conversation he had had with Secretary Clinton?

A Correct.

Q Do you recall when that occurred, that conversation between --

A That occurred on the day that he was sworn in. That is what Ambassador Stevens told me.

Q So he had a meeting or a conversation with Secretary Clinton on that day?

A Yes.

Q Okay. And what did he relay to you about his conversation with Secretary Clinton that he had had on this day that he was sworn in?

A The only thing I remember from that conversation about that meeting was the consulate issue.

Q Making it permanent?

A Yeah, that was the only issue that he raised.

Q Okay. And then when you arrived in Tripoli on July 31st in either that day, at the airport, or in the days after, did you revisit that topic of making Benghazi a permanent consulate?

A Yes, I did, and I spoke with him about it. He said: Yes, let's move forward with that. I said: My friend, [REDACTED], is the principal officer in Benghazi. We have worked together before. We can work together on this project and make it happen.

And so I reached out to [REDACTED] and I was in daily contact with him anyway as part of the operational protocol at the mission in Libya, and we talked about how to move forward. And so [REDACTED] took the first stab at writing a political justification for a permanent consulate in Libya -- in Benghazi, and then we moved forward from there.

Q Okay. I'm going to return to this issue of making Benghazi a permanent post within the State Department, but in those -- but I want to switch right now to a different topic, and in those early days

when you had arrived in Tripoli, did you and the Ambassador have any conversations about him making a trip to Benghazi?

A Not in the first days. Our first discussion about him going to Benghazi occurred after he returned from his trip to Stuttgart around August 20th.

Q Okay. When you arrived at the Embassy in late July 2012, did you learn that the Ambassador had tried to make prior trips -- had tried to make trips to Benghazi or had them scheduled and canceled prior to your arrival?

A After I arrived, I had a conversation with Lieutenant [REDACTED], who was the SST commander, and he related to me his story of going to Benghazi in early June to -- as an advance to prepare for a possible ambassadorial visit to Benghazi in that timeframe.

Q Okay. So you learned that there was at least some initial planning for the Ambassador to travel to Benghazi in June of 2012?

A Yes.

Q Okay. And Lieutenant Colonel [REDACTED] had actually gone to Benghazi to scout it out, do an advance work in preparation for the Ambassador's trip?

A Correct, and he took members of the SST with him for that visit.

Q Okay. And did you learn why that trip did not happen?

A The trip did not happen because of the assassination attempt on the British Ambassador, which took place while the SST team was in Benghazi, and it was the medical tech from the SST team, [REDACTED]

[REDACTED] who in fact saved the life of the British security guard who was wounded in that fight -- in that incident and also treated the wounds sustained by the British Ambassador.

The British Ambassador's wounds were so severe that he had to withdraw from service in Libya and return home.

Q Okay. And did you learn that it was deemed too unstable and insecure for the Ambassador to make a trip in June of 2012?

A I believe that the attempt on the British Ambassador's life was the immediate cause of the cancellation of Ambassador Stevens' prospective trip to Benghazi.

Q At any time after you arrived in Tripoli or even prior to arriving, did you learn that the Ambassador was planning a trip, the first part of August of 2012, that was also canceled?

A I was not aware of a trip to Benghazi planned for the first part of August. He was planning to go in October.

Q Of 2012?

A Of 2012.

Q And do you know what the purpose of that trip was?

A That trip was, again, was designed to go and represent the United States to the people of Benghazi, to be a return of Ambassador Stevens to Benghazi, to symbolize American commitment to the people of Benghazi and the people of Libya for a democratic future. It was also designed for him to be able to reach out and contact his friends and other -- and political contacts in Benghazi to learn more about

what was transpiring in eastern Libya.

Q Was there any discussion or talk that you recall, that the Secretary of State might also visit at that time in October of 2012?

A We received a heads-up from the Maghreb desk in the NEA bureau of the State Department that there was consideration of a Secretary of State visit to Libya in the fall of 2012, and I had a friend in the -- he was actually the deputy executive secretary, and I wrote him and asked him what are your thoughts, are you planning to come to Libya this fall, and he said that they were looking at October, possibly, but more likely December.

Q All right. You've told us that the Ambassador was planning to go in October of 2012. Did he actually go to Benghazi prior to October of 2012?

A Yes, he did.

Q Okay. And what precipitated him going before October of 2012?

A Filling the position of principal officer in Benghazi was challenging, not as challenging as filling some of our other positions there, particularly the Sean Smith job. And so there was a gap in coverage of that position that was going to take place between September 1st and September 15th. My friend [REDACTED] left on post on August 31st after stopping in Tripoli.

So when Chris returned from Stuttgart, the first question I posed to him was how are we going to cover this gap in Benghazi?

Q Okay. Let me just stop you there and go back. The

Ambassador took a trip to Stuttgart, Germany in the mid-August timeframe. Is that correct?

A Yeah. It was around August 20, 21.

Q Okay. And what was the purpose of that trip?

A The purpose of that trip was to heal the relationship between the Embassy and AFRICOM [REDACTED]

[REDACTED].

Q And in prior interviews and testimony, you've talked about that extensively as to what that disagreement was between the military and the Embassy. Is that correct?

A I have not fully gone into it because much of that is of a classified nature.

Q Okay.

A And so the order signed by the Secretary of Defense is classified secret, if I am not mistaken.

Q Okay. So then can you elaborate on what was the issue and what was the disagreement between the Embassy or the State Department, writ large --

A Right.

Q -- and the military?

A Some of this is in the public domain. I think it's well understand that Patrick Kennedy terminated the SST's mission in Libya as part of the normalization of our security posture in the country.

And so the Department of Defense -- full stop. Come back. SST was there to protect the Embassy, to protect the Ambassador, provide

security for him or others of us who traveled around the country. Provide a professional military capability since our physical security was so poor.

Q [REDACTED]?

A [REDACTED]. [REDACTED]

Q [REDACTED] --

A [REDACTED]

Q And that was Jeremy Bash at the time?

A No. The chief of staff of the Libyan military.

Q Oh, the Libyan military, okay.

A I am fairly confident that -- well, certainly -- and we have to keep in mind, too, that the SST was a mishmash of operators. There were 14 operators out of SOCAFRICA. There were two operators [REDACTED]

Q And what were their respective roles?

A The two operators [REDACTED] were the lead trainers [REDACTED] and supported by the SOCAFRICA soldiers.

Q And what time period are we talking about?

A I believe the training mission began in May, or thereabouts, and so we've gone through a vetting and initial training process that has identified a core group of Libyans who we feel are competent enough to go to the next level of training. [REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

Q Okay. Throughout the entire country, or were they going to focus on particular areas?

A In anywhere in Libya; within the borders of Libya. This was a major part of our effort to help Libya secure its borders.

Q And how extensive was this training program? How many Libyans?

A At the time that the program -- at the time we're talking about, which is beginning of August, [REDACTED] [REDACTED]

[REDACTED]

Q Okay. And were they being trained in a particular

location? Was there a training facility?

A Yes.

Q [REDACTED]

A Yes, that's exactly correct.

Q [REDACTED]

A [REDACTED]

Q Okay.

A [REDACTED].

Q And is that where this [REDACTED]

[REDACTED] program took place?

A Yes.

Q Were there other facilities that were being used for this program?

A That's the only one I am aware of. That's the one our people drove to every morning very early in the day in order to, you know, begin working with our colleagues, with our Libyan colleagues, so --

Q Okay. Were there any threats [REDACTED]

[REDACTED] that you were aware of?

A Not at this time. [REDACTED]

[REDACTED] and we thought we were full speed ahead on this program. However, the change -- and then we come in.

So I think are there any other questions about the program? I

mean, this is a question for -- if you want further details about this, [REDACTED] or perhaps the operators [REDACTED] are the right witnesses to get into the weeds on this matter.

Q Okay.

A As far as I was concerned, having a Libyan unit working [REDACTED] to hunt down terrorists in Libya was a good idea from a policy perspective.

Q And from a policy perspective, it was a good idea because, I guess, why? Were you seeing an influx or a rise of extremist activity in Libya?

A Absolutely.

Q What were you seeing? What were you learning?

A What we were seeing was we had what appeared to us at the time to be a very active Al Qaeda base in Derna, we had Al Qaeda in the Islamic Maghreb very active in the southwest, and we had Islamic extremist militias who seemed to be aligning with Al Qaeda at that time, you had very serious attacks take place against the ICRC facilities in Benghazi and then in Misrata.

Q I'm sorry to interrupt you, but ICRC was the International Committee of Red Cross?

A Correct.

Q Okay.

A In fact, the attack in Misrata was a combined arms attack with heavy weapons, which was a very frightening development from a diplomat's point of view. In addition, within Tripoli --

Q May I ask timing on that, did that occur before or arrived at --

A It took place after I arrived, early August.

Q Okay.

A And then as -- in Benghazi, you have assassinations of Libyan military officials, Libyan police officials who had been part of the suppression of the Libyan Islamic fighting group during the late 1990s which looked to us like it was a revenge campaign. We also saw attacks on political rivals in Benghazi. Again, I think much reporting on this, that we characterized as Libyan, nonLibya and as part of the Libyan domestic political scene.

In Tripoli itself, towards the end, there are carjackings taking place. The French have at least two carjackings. The UN have at least one carjacking. There are -- as we move further down in August, there are attacks on mosques, there are Sufi shrines that are leveled with the support of the minister of interior, and so you know, it's a very unstable political and security situation during this period.

And at the same time, the Libyan Army has virtually ceased to exist, and so the ability of our ability to actually create some capability for the Libyan Army, with which we could then cooperate, was central to our security efforts in the country.

Q [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

A [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A Until the Secretary of Defense signed the order changing the SST status from a security operation to an over 1208 program.

Q And do you recall when that occurred?

A I believe that occurred on August 3rd or August 4th.

Q So shortly after you arrived?

A Yes.

Q Okay. And were you keeping then all the same personnel in Libya or were you having a sort of changing of the guard of the SST personnel that you had into this 1208 capability?

A Right. So we have to go back into how this -- we have to go back to how this transfer occurred or the timing of transfer. This is the central issue here.

The timing of the transfer, I arrived on August 31st. On August 1st, I participate [REDACTED] with Central Command, with AFRICOM, sorry. Most of my career has been working with Central Command. With AFRICOM, in which they basically are seeking the Ambassador's concurrence for the transfer of authority to 1208.

Now, Chris Stevens -- and they're seeking his concurrence because

the internal regulations of the Department of Defense require ambassadorial concurrence in an issuance of a 1208 program order, and Chris Stevens is basically, very diplomatically, and so there is a translation problem that basically erupts between the State Department official -- speaking State Department to the Defense Department officials on the other side of the communication link. And basically Chris is saying: Wait, we have to -- the transfer of authority from Title 22 to Title 10 has --

Q From diplomatic to military?

A From diplomatic to military has consequences for the operators.

Q For the military on the ground in Libya?

A Correct.

Q Yes.

A They currently have diplomatic immunity. In fact, they had full diplomatic immunity.

Q Because they were operating under his authority as chief of mission?

A Correct.

Q Okay.

A And so the transfer to Title 10 means they lose diplomatic immunity, and this --

Q Is there a way that you could have an agreement with the Libyan Government to give them protection?

A Normally, we handle these issues through the negotiation

of a Status of Forces Agreement.

Q Is that also known as a SOFA?

A Yes.

Q Okay.

A However, those are very public negotiations, they are very complicated, and we were -- and they take time. What Chris wanted to do, was to effect an exchange of diplomatic notes which would confer diplomatic immunity on the SST operators.

Q Can you elaborate on that?

Ms. Toensing. Can I just clarify something? You said there was a State Department person, speaking State Department. Can you clarify that was Chris Stevens?

Mr. Hicks. That was Chris, yeah.

Ms. Toensing. Just for the record.

Mr. Hicks. And so essentially, you can have a formal agreement between countries through an exchange of diplomatic notes. So we write a diplomatic note saying: Please give us X, Y, and Z. And the government -- Foreign Affairs writes -- the Ministry of Foreign Affairs writes back: Yes, we agree, you are conferred, you have X, Y, and Z privileges in this case.

And so that was what he was proposing. The reason he was proposing this is because, Libyan justice system was not very moderate, to be --

BY MS. JACKSON:

Q Not very what?

A Moderate.

Q Modern?

A Not predictable.

Q Okay.

A And it was still effectively run by Qadhafi-era judges. In addition, there was a whole tribal system of justice that was reemerging within the country, and Chris cited two examples as to why we needed to maintain diplomatic immunity for the SST or the 1208 training team, once we moved forward. And he said the -- he cited the ICC legal team that had been effectively kidnapped by the Zintan militia when they came to see Saif Qadhafi in his prison in Zintan. And it took the Libyan Government a tremendous amount of effort to get those people freed from that militia.

And so Chris was basically saying: If one of our people is kidnapped by one of these militias and they don't have diplomatic immunity, we will have very, very -- we will have much less leverage in retrieving that person than we otherwise would.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So guess what happens?

Q What happens?

A I mentioned carjackings. Our team faces an attempted carjacking [REDACTED]

Q And this is the SST [REDACTED] team?

A Right. And this is 3 days or 2 days after the order is signed. So they no longer have diplomatic immunity.

Q And what order was signed?

A The 1208, the order transferring authority over the SST from the Ambassador to General Ham.

So our guys are confronted by an armed individual who attempts to seize their car. Our guys respond appropriately. They shoot the armed person, or we believe they shoot the armed person and drive away. We don't know, to this day, whether that individual died or not. Nevertheless, the consequences are clear. [REDACTED]

[REDACTED] It is no longer safe. We suspend all training activities until such time as we can calm the situation and be sure that we can resume them safely.

Q And this is in the first few days of August of 2012?

A Yes.

Q Okay.

Ms. Toensing. Now, just a second.

[Discussion off the record.]

Mr. Hicks. And so again, the order was issued -- just to be clear, Ambassador Stevens never actually concurred in the issuance of the order. It was not that he didn't support the program. It was that he didn't support the timing of the transfer. He wanted to put in place a transfer that would assure that the 1208 training team would have diplomatic immunity while they conducted their operations.

BY MS. JACKSON:

Q So what was the outcome or the consequence of this attempted carjacking?

A The consequence pertaining to the SST is that their work no -- they no longer had work to do at Embassy Tripoli. They were neither a security team nor could they be a 1208 training team.

Q Did the entire program get shut down at that time?

A It did because we -- because we needed to seek diplomatic immunity, for the 1208 training team, we had to declare that we had a 1208 training team in the country, and we had to effectively seek higher authority approval for doing that.

And so, you know, when we -- again, when we presented the diplomatic note requesting permission to conduct a 1208 training team mission in the country, and requesting diplomatic immunity for that program, there was a great deal of consternation on the side of the Ministry of Foreign Affairs.

Q And again, when did that occur?

A That occurred in about around the -- between the 10th and 15th of August.

Q And was there any resolution? Did they accept the diplomatic note? Did you get one back that said this is fine, or no, we're not agreeing to this? What was the result of the sending of the diplomatic note?

A Ultimately, after -- the Libyans went through a very long and extended interagency process of deliberating whether they should continue the program. Ultimately, we did receive approval to proceed

with the program, but that occurred in late October, if I recall correctly.

Q So after the attacks in Benghazi?

A Yes.

Q Okay.

A And so yeah.

Q Yes. Okay. Is there anything else about the 1208 program that would be important for the committee to know?

A Well, because the -- this, of course, is the proximate cause for the withdrawal of 10 members of the program from Libya, and [REDACTED] and those 10 members leave on or about August 20th. They no longer -- they had no work to do, and so, therefore, there was no reason for them to stay in country.

Q Okay. But as of early August, they had not been part of any sort of security for the -- security team for the Embassy any longer. Is that correct?

A Once the order was signed, they no longer participated in security work for the Embassy.

Q And was that something -- the continuation of the SST, is that something that the Ambassador wanted?

A The Ambassador wanted the SST -- the military to remain at that strength. He wanted to transition them from the SST mission, to the 1208 mission, in a proper diplomatic fashion, so to have formal approval by the government and diplomatic immunity conferred on those individuals.

Now, he understood, having sent his cable in July, and having had that cable rejected by the under secretary, that that proposal for 13 professional American security personnel to be assigned to the Libyan Mission, he had that proposal rejected by Patrick Kennedy.

Q And how did you learn that it was Patrick Kennedy that rejected that cable?

A I saw that in a footnote in the Senate Intel Committee report. It was in the -- sorry, it was in the addendum -- minority addendum of that report, and it said that the Department of Defense, the official I don't remember, sent an email to Under Secretary Kennedy offering to provide the personnel requested by Ambassador Stevens and Under Secretary Kennedy responding that no, we have this covered.

Q So the communication between Patrick Kennedy and the military would have been regarding keeping the SST as security in Benghazi -- or I'm sorry, in Tripoli?

A I don't know that that -- that was certainly not what Chris requested, and I am not sure that is what the military offered because no detail -- there are no further details on exactly what the military offered. Chris asked for 13 professional security personnel to allow him and other members of the mission to travel safely within Libya. That could be the SST or that could be additional personnel.

Q All right. I'm going to hand you what I've marked as Exhibit Number 1 and give you a couple of moments to look it over.

[Hicks Exhibit No. 1

Was marked for identification.]

BY MS. JACKSON:

Q I note, for the record, that exhibit 1 is marked Document Number SCB0076533. It is an -- at the top, an email from Patrick Kennedy to a Robert Neller dated July 15, 2012, and the subject line is "Re: DOD support to U.S. Embassy Tripoli?"

I note for the record that we have been joined by Chairman Gowdy, and I also note for the record that during the questioning, Susan Sachsman Grooms for the minority came in, and she would be behind you, Mr. Hicks.

So I'm going to give you -- I do not believe that you are a recipient of this 5-page exchange, but I'm going to ask you a few questions about whether this is -- if this communication corresponds to what you've just been telling us about the release of the SST to Embassy Tripoli.

And I'll give you a few moments to look at that email. We can go off the record for a minute.

[Recess.]

BY MS. JACKSON:

Q We'll go back on the record.

Mr. Hicks, have you had an opportunity to review Exhibit Number 1?

A Okay.

Q Okay. And just for some explanation purposes, the last three pages or so seems to contain what appears to be a cable, number 12 Tripoli 690 with the date of June 9, 2012.

A Uh-huh.

Q Is this the request that you've been describing that came from Ambassador Stevens for additional security personnel in Libya?

A Yes.

Q Okay. So that is the official request that you've referenced?

A Uh-huh.

Q Okay. If we could go to the second page of this exhibit, or I'm sorry, let's start at the bottom of the first page. It appears to include an exchange from Patrick Kennedy to Robert Neller on Friday, July 13, at 6:31 p.m. Let me just ask, do you know who Robert Neller was?

A I understand him to be a senior DOD official.

Q Okay. And then going to the second page of this exhibit, Patrick Kennedy appears to write: Bob, we are not, slash, not requesting an extension of the team and deeply appreciate the support we have had.

Do you understand that to mean that the State Department is no longer requesting an SST team in Libya?

A That's my interpretation.

Q Okay. If we can go below that, that -- in fact, that exchange is a response to a message from General Neller to Ambassador Kennedy where he writes: Request to know DOS intention regarding ABM Libya, which I interpret that to be Ambassador for Libya, below request to extend the DOD's security team in Tripoli. The current approved

plan is for the AFRICOM source SST to redeploy from Tripoli on 4 August without replacement.

A Uh-huh.

Q So as I read this, it appears that General Neller is saying the SST team is leaving Libya on August 4th, what do you want to do about the Ambassador's request for an extension?

A That's correct.

Q Okay. And to which Patrick Kennedy responds: We are not/not requesting an extension. Is that correct?

A That's what it says.

Q Okay. General Neller, if you could go to page three, also asks the question, about five lines down from the top, it says: If you want to transition to a Marine security detachment or USMC FAST, we can start to look at what it would take to get that in place, but again, I would need your updated request.

A Uh-huh.

Q So do you understand that to be the military offering different type of resources from an SST?

A Yes.

Q Okay. And do you know, was that offer ever communicated to Ambassador Stevens or yourself?

A I never knew about an offer of an MSG team or a FAST platoon deployment to Tripoli prior to September 12th.

Q And what would that have brought to Embassy Tripoli or the country of Libya at large with respect to security for U.S. diplomatic

personnel?

A Well, I think, having worked closely with Marine Security Guard detachments around the world, it would have provided us with an internal -- a high-quality internal security team to protect Embassy Tripoli.

Now, I don't know whether they're talking about Embassy Tripoli and the special mission in Benghazi here for this discussion. Likewise, a FAST platoon would have been also tied, I believe, to Embassy Tripoli, and again, would have provided us with an internal defense capability.

Q Would Ambassador Stevens have had the authority to redeploy any of those assets to the Special Mission in Benghazi?

A Marine Security Guard detachment would have been -- fallen under Title 22.

Q So chief of mission authority?

A Chief of mission authority. A Marine FAST platoon would not.

Q Okay.

A At least so far as I know.

Q Right. Can you tell us about the security complement that you had when you arrived at Embassy Tripoli on July 31, 2012, and then what was in place on September 10, 2012?

A So when I arrived, we had the SST, which was 16 members. We had two MSD teams from diplomatic security level security details.

Q And how many individuals were in each of those teams?

A Seven, I believe.

Q Total?

A Yes, in each.

Q Oh, seven in each?

A Yes.

Q So 14 MSD personnel?

A Correct.

Q Okay.

A And we had then our full complement of security RSOs in Tripoli as well, which I believe was five or six.

Q And had all of those received high threat training?

A Yes, absolutely. They're very high quality individuals on both sides.

Q And during that 5-, 6-week period between when you arrived at the end of July and September 10th, was that number maintained or reduced?

A It was reduced. So the SST team goes away as a security function. Obviously they can provide an internal defense function of the Embassy in an emergency, but their transfer to Title 10 authority meant that they worked for General Ham at that point in time.

Q Did all 16 of them -- well, you said that [REDACTED] and his team then left in --

A Ten of them left.

Q Ten of them left. So you had six left on September 10th?

A We had four at the Embassy and two who resided at the

Station.

Q And then what other type --

A [REDACTED].

Q And what type of DS resources did you have on September 10th?

A The MSD teams departed, were pulled out gradually through August. The last departed about August 23rd or 24th, I believe, and so we were left with six NRSOs and five ARSOs, and we had three ARSOs in Benghazi.

Q In addition to the six total you had in Tripoli?

A Right.

Q Okay. I'm going to stop for just a moment because I understand that Congresswoman Brooks has a few questions.

Ms. Toensing. Okay. The only thing you might want to tell --

Ms. Jackson. Do you want to confer with him quietly?

[Discussion off the record.]

Mr. Hicks. I think as we said, the number was nine.

Ms. Toensing. No, but how many were there when Chris came?

Mr. Hicks. When Chris came, there was about the same number. I'm not sure exactly, but I think it was roughly 38, 39.

Ms. Jackson. When he arrived in country as the Ambassador?

Mr. Hicks. As Ambassador, yeah.

Mrs. Brooks. Just on a couple of questions that you've already answered. You talked about the Ambassador's plan to go in October, and it was to touch base with his political contacts in Benghazi and

symbolize American commitment and so forth.

Do you know if he -- how did he communicate with people in Benghazi when he was in Tripoli? What kind of communication, say, in August, would he have with his political contacts or any of his contacts in Benghazi? What was the method and means that he would communicate?

Mr. Hicks. I actually don't recall him back briefing me on a conversation with anyone --

Mrs. Brooks. Okay.

Mr. Hicks. -- in eastern Libya during that period. That doesn't mean that he didn't have them. He had a telephone and he was talking all the time on that telephone to Libyans, and he knew hundreds, and they knew him. And they called him all the time as well. But he would -- eastern Benghazi was the purview of our principal -- eastern Libya was the purview of our principal officer in Benghazi, and so we would -- Chris was a very good, very good Ambassador who empowered his subordinates, and so he would empower the principal officer to talk to the leading political officials in that part of the country.

And so the way he -- one of the major ways he maintained contact was through [REDACTED] and [REDACTED] predecessors.

Mrs. Brooks. But you also believe that Libyans in eastern Libya would directly contact Chris because he had those kinds of relationships --

Mr. Hicks. I am certain that --

Mrs. Brooks. -- by phone?

Mr. Hicks. I am certain that this occurred, but again, I have

no proof.

Mrs. Brooks. Okay. And you mentioned there was a gap in coverage of the principal officer position for a couple of weeks, or it was scheduled between September 1st and September 15th.

Mr. Hicks. Yes.

Mrs. Brooks. Is that unusual to have a gap in the principal officer position?

Mr. Hicks. Again, it was a special mission facility, so we were -- it was an ad hoc operation outside the normal personnel assignment process, and so we were always basically hunting for people willing to go TDY to Benghazi and take up the task of that job for any period of time that they could be spared from their existing job.

And so, you know, we -- I think there had been a couple of other instances prior to this where there had been gaps in coverage and that position had been covered out of the Embassy in Tripoli.

Mrs. Brooks. So other instances in Benghazi where there had been gaps?

Mr. Hicks. Correct.

Mrs. Brooks. Okay. And you talked about the denial by Patrick Kennedy and originally referred to that you had read it in the Senate Intelligence Committee report. At that time, though, what were you told about it and who told you about what would happen with respect to the security request?

Mr. Hicks. Thanks. Excellent question. We actually had not received any formal response and did not receive any formal response

to this request.

Mrs. Brooks. But you knew the request -- how did you know the request had been made?

Mr. Hicks. Well, I'd seen the cable, and I had seen the back channel discussions between the RSO and Assistant Secretary Boswell that preceded the sending of the cable, and so I was aware of this request and I was perplexed when I arrived that we had not received a response, although I also understood what no response meant in State Department process. It meant no.

Mrs. Brooks. And how did you know that?

Mr. Hicks. Twenty two years of service.

Mrs. Brooks. And so is there a period where if you didn't get a request you knew it meant no, or based on your prior experience, you knew by the time you got there or shortly thereafter that the request was going to be denied?

Mr. Hicks. We knew that no response equals no, and so -- and there would be no formal denial of the request.

Mrs. Brooks. And is that in any procedural regulations of the State Department, or is that just the culture and what you had experienced over time?

Mr. Hicks. It's the culture. I had the same experience in a briefing with Deputy Assistant Secretary Lamb in May where I said that -- I posited that the allotment of DS personnel to post was insufficient to provide adequate coverage in the normalized plan, which was an RSO and five assistant regional security officers, and I said

to her that we needed at least seven, if not more, to protect us, to provide adequate protection.

Mrs. Brooks. And was this in a face-to-face conversation and meeting prior to --

Mr. Hicks. It was in a face-to-face conversation, and again, I had no response to my argument.

Mrs. Brooks. Okay. Thank you. I don't have anything further.

[10:10 a.m.]

BY MS. JACKSON:

Q Just to wrap up our first hour, you'd mentioned that there was an RSO and five ARSOs in Tripoli as of September 10th. Can you give us the names of those individuals? [REDACTED] --

A [REDACTED].

Q Was the RSO?

A Yeah. I can see their faces.

Q [REDACTED]?

A Yeah, [REDACTED] was one. He was the deputy.

Q [REDACTED]?

A [REDACTED], on September 10th was not in Tripoli.

Q He traveled with the Ambassador?

A He went to Benghazi on the 10th.

Q But he was assigned to Tripoli?

A Yes.

Q Okay. And [REDACTED] was also one who traveled with the Ambassador?

A Yes.

Q But was assigned to Tripoli?

A Yes.

Q Was there a [REDACTED] or [REDACTED]?

A [REDACTED], yeah.

Q Was there on the 10th?

A Yes.

Q Okay. So we've named four of the five ARSOS?

A Uh-huh.

Q You don't recall who the fifth was?

A I see his face, but I don't, I honestly don't remember his name. I'm a diplomat and it's is one of my failings, I don't remember names. Numbers, but I'm an economist so I guess that makes sense.

Q Okay. And with that I see that our time is up for the first hour. So we'll go off the record and take a short break and then resume questioning.

[Recess.]

BY MS. JACKSON:

Q All right. We will go back on the record it is 10:32, we thank our minority colleagues for deferring to the next hour so we're going to continue questioning for an hour, and then we're going to take another short break, and then the minority will begin their questioning.

Mr. Hicks, in the last hour we talked a little bit about the Secretary potentially making a trip to Libya in the fall time period of 2012, maybe October, maybe December timeframe. To your knowledge, was that a trip that was going to Tripoli, or to Benghazi, both perhaps?

A We were only speaking about Tripoli at the time.

Q Okay.

A We did not expect that she would visit Benghazi.

Q Okay. Was there anything about making Benghazi a permanent post that was to coincide with any trip that she might make?

A We hoped to get the project completed by September 30th, that was the funding deadline. We were hoping to tap overseas contingency operational funds, that were available, because they were not being spent in Iraq, to create the Benghazi facility.

Q Okay.

A And that decision had to be made by the 30th.

Q Was there any other purpose for the Secretary to make a trip to Libya, to Tripoli?

A Well, I think she viewed Libya as a major accomplishment of her tenure as Secretary of State. And visiting Libya, prior to her departure, to celebrate the progress made since the fall of Qadhafi might have made sense.

Q How in depth were the conversations that you and others had at Embassy Tripoli regarding this potential upcoming visit by the Secretary of State?

A They were just between Chris and myself.

Q Were they ever discussed at country team meetings with the other heads that you recall?

A No, because it was basically a notional idea, so far as we understood it in Washington. And one has to be very careful about the Secretary of State's travel plans. That is a very sensitive subject, particularly in the Middle East.

Q So you try and keep them under the radar so to speak?

A Exactly and we don't want to broach that issue to anyone who doesn't have a need to know until they actually need to know.

Q Okay. To your knowledge, were they discussed with others who may have a need to know, such as the RSO, [REDACTED], or others that might need to have a heads-up about some advanced planning?

A I don't think we did. I think this was just between Chris and myself, just as the permanent post in Benghazi was between Chris and myself.

There's a relationship between an Ambassador and a DCM, there are things that the Ambassador and the DCM talk about that they don't speak about to anyone else on the mission. [REDACTED]

[REDACTED] There are issues that are discussed between them that are not known necessarily outside those two individuals.

The only time that there might be -- the DCM might be brought into that particular picture is if the Ambassador is going to be away for an extended period, [REDACTED]

Q Okay. But it's within the realm of possibility that Ambassador Stevens may have mentioned to [REDACTED] others that the Secretary might be coming in the fall?

A He might have.

Q Okay. We know that Ambassador Stevens went to Benghazi on September 10th. Was there anything about his trip to Benghazi in September of 2012 that was sort of a precursor for the Secretary's trip?

A Well, you know, when we have a visit by a major political

figure, like the Secretary of State, like the President, you know, we try to make that visit important publicly. And so we generally will create a list of what we call deliverables, items of importance to the bilateral relationship. So we hoped for the Secretary to announce the opening of a permanent consulate in Benghazi during her visit which we, as I said, expected to be more likely -- to more likely to occur in December. And so, if we could -- if you could remind me again of the question, I'm sorry.

Q Was there any reason that -- was there anything related to making Benghazi a permanent post that was part of the purpose of Ambassador Stevens going to Benghazi in September?

A Oh, absolutely. And so again, we had begun the process of developing a political rationale for having a permanent post in Benghazi. I sent in that rationale at the end of August to the executive director of the NEA bureau. We had begun a process of identifying locations and drawing plans for such a post. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

In fact, I'm certain they were.

And we understood that the situation in eastern Libya was unstable and we wanted to -- and Chris Stevens wanted to make sure that what we were doing was going -- was the right course of action. And he personally, because had he the contacts in the region, because he had their trust. He was the only person that we felt could go to Benghazi and get a clear picture of the political situation there and the

security situation there as well.

Q Was there some concern that you discussed with the Ambassador over security being so bad in Benghazi that you shouldn't have a permanent presence there?

A I think [REDACTED], our regional security officer, certainly had doubts about our ability to protect a permanent facility in Benghazi going forward.

Q And in fact, in mid-August there had been some serious security concerns raised by the principal officer and the diplomatic security agents that were physically located in Benghazi, had there not?

A Yes, that's right. And that cable was sent in in mid-August and is well-known now.

Q Okay. And in fact, several trip wires had been crossed that caused the Special Mission in Benghazi to essentially go into lockdown status for an indeterminate period. Is that correct?

A That's correct.

Q And so --

Mr. Kenny. Sharon, I am not sure that that's an accurate reflection of that cable. So I just wanted to know --

Ms. Jackson. Not the cable.

Mr. Kenny. I'm sorry. I thought you were referring to the mid-August time period.

Ms. Jackson. Well, I thought I was talking about trip wires.

Mr. Kenny. Right and the specific mention of posts going on

lockdown.

BY MS. JACKSON:

Q We'll go back and then you can elaborate in your hour.

Whether or not it was in the cable, there were discussions about the mission going into some sort of suspended operations or lockdown status. Is that correct?

A We basically advised [REDACTED] to limit his off mission travel in order to enhance his safety. There were logistical challenges as well as security challenges for him to be outside of the facility.

If I may, one of the reasons we were looking at a permanent consulate was that there was an inherent security risk associated with having two separate facilities in Benghazi. The consolidation of our personnel in Benghazi would have strengthened our security there, [REDACTED]
[REDACTED], with our personnel, and particularly in terms of facility security. It is important to understand [REDACTED]
[REDACTED]

Q Even the high threat trained agents?

A Even in high threat endangered posts. We are not trained in self defense. We are not armed. We are not even allowed to carry or use weapons.

Q Now, when you say we, you're talking about Foreign Service officers. You're not talking about the diplomatic security agents --

A I am not. But again, in terms of numbers, we as diplomats outnumber the diplomatic security agents who are protecting us

substantially.

Q So the thought going forward if Benghazi became a permanent post was to have collocation [REDACTED]?

A Correct.

Q Again, one of the purposes that Ambassador Stevens had in going to Benghazi, in September, was not only to cover a gap your principal officers, but also to get a firsthand assessment of the viability of having a permanent post in Benghazi?

A Yes.

Q Were there any other purposes of this trip?

A Well again, he was representing the United States. He was going to open an American corner, which is a cultural center to promote United States Libya relations. Provide information about the United States to Libyans, as well as other issues that may or may not -- that I may or may not have been privileged to know.

Q Did you or Ambassador Stevens notify anyone in Washington that he was going to be in Benghazi in the first part of September of 2012?

A He made the decision in August, August 22nd, I believe or 23rd. And we notified Washington immediately of how we were going to cover that gap. It had been an issue that Washington had been pushing us to resolve for some time. The reaction was quite positive.

Q Okay.

A They were very excited to know that he was going to go there.

Q Okay. I'm going to hand what you has been marked -- what

I've marked as Exhibit 2 for purposes of this interview.

[Hicks Exhibit No. 2

Was marked for identification.]

BY MS. JACKSON:

Q And have you take a look at that to see if this is the type of notification to Washington that you were talking about.

And as you review that for the record, this is a document that has been marked number C05395380. At the top it's an email exchange from you, Mr. Hicks, to [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. The top date of the exchange is Monday, August 20, 2012. I'll give you a moment to take a look at that.

A Uh-huh.

Q Have you had an opportunity?

A [Nonverbal response.]

Q Is that a yes or no, sir?

A I have seen it. I have read it. I even remember sending it, now that I see it again.

Q And you are the author of this?

A Yes.

Q Yes.

And the bottom part of this exchange that you sent on Sunday, August 19, 2012, again to the same people that I've noted in the top exchange, you have a subject line of notional schedule for PO Benghazi - reality check. And again PO stands for the principal officer?

A Uh-huh.

Q And have you set out who you anticipate will be the principal officers through the end of the year?

A Right.

Q Okay. And the second entry in that list is September 8 through 15th, Ambassador Stevens. Is that correct?

A That's correct.

Q Okay. And were all of the people that you have sent this to, were they all in the NEA or Near Eastern Affairs Bureau?

A Yes, [REDACTED] was the director of the office of Maghreb affairs, [REDACTED] was his deputy and [REDACTED] and [REDACTED] were the two Libyan desk officers.

Q Okay. And the Near Eastern Affairs Bureau was the policy bureau that you said Embassy Tripoli fell under?

A Yes.

Q Okay. So they had responsibilities for the country of Libya?

A Yes.

Q Okay. And so it was actually as early as August 19th that Washington was notified that the Ambassador would be going to Benghazi?

A Yes.

Q Okay. And is that typically how an Embassy or a post would notify Washington of staffing gaps, or staffing coverage, or the Ambassador's travel?

A It would depend on the state of planning, but yes, we would

always notify Washington if the Ambassador was going to be traveling whether in country -- and of course he has to have permission to leave the country from Washington. So --

Q But generally within the country he does not need Washington's permission or authorization to travel within the country?

A No. But we would as a courtesy always let them know that he was not in the Embassy and where he was going to be.

Q Now I noticed when you first sent this in on August 19th that you believed the date range that Ambassador Stevens was going to be in Benghazi to be September 8th, through the 15th?

A Yes.

Q Did that time period get shortened?

A Yes.

Q And why did it get shortened?

A It was shortened because [REDACTED], in particular, was concerned about the security situation in Benghazi and it was also a concern because Chris had a meeting with two top officials of the Libyan Government on the night of the 8th, if I recall correctly. And he very much wanted to participate in that meeting because it centered on the cabinet selection process and who was likely to emerge as prime minister.

Q And that was a meeting that was in Tripoli?

A That was in Tripoli, yes.

Q Okay. So that meeting fell at the same time he was initially planning to be in Benghazi?

A Yes.

Q Okay. And [REDACTED] was your --

A Regional security officer.

Q So he was the lead security guy within diplomatic security within the country of Libya?

A Yes.

Q Okay. And what were his concerns?

A Well, his concerns were the general lawlessness in the city. He was concerned about the continued attacks that were taking place on, you know, Libyan on Libyan, but he was -- there's always a risk that someone will be in the wrong place at the wrong time and there's also a risk that targeting might shift.

We had also been -- the Ambassador in particular had been under surveillance after the shooting incident that I described in Tripoli.

Q The attempted carjacking?

A The attempted carjacking. There was some reason to believe that the family of the person who attempted the carjacking and who we presume was shot by our military personnel would seek revenge. It was actually my driver who detected the surveillance on the Ambassador and so we were concerned about his safety.

There was another incident where I to this day believe avoided an attempted kidnapping.

Q You personally avoided an attempted kidnapping?

A I believe I did. I was driving home from what was then our Embassy workplace, and I spotted a car parked across the road blocking

the road ahead of us. And I directed my driver to turn around and go the other way. I reported the incident to the RSO. By the time though that our investigators could reach the scene, the car was gone, but this to me looked like an attempt to block the road.

The road block was after another road. There was a potential if I rolled up another car could have come in behind me. So we were under active threat. We received on the day that the SST departed, we received a specific and credible threat of a potential attack on the Embassy compound in Tripoli. So our situation was heightened and we had -- you know, [REDACTED] was very much concerned about our threat environment both in Tripoli and in Benghazi.

Q Okay. And did [REDACTED] express any concerns regarding the diminishing resources that had you in Tripoli and the resources that were available in Benghazi?

A He was concerned about the physical security in both Tripoli and Benghazi. He was concerned about the lack of personnel to protect our people. He was very, very, very concerned. He was not sleeping, he was that concerned.

Q You've described that Ambassador Stevens was a well-known, well liked person within Libya. When he would travel about in Tripoli, would he go with a greater number of security personnel than say you or other Foreign Service officers in the Embassy?

A He had a bodyguard. I think after we detected the specific surveillance of him, he was traveling with a DS bodyguard all the time, but that was all. I traveled without any escort. We did try to have

quick reaction forces at various points in the city to respond to an incident. But no, I didn't have a bodyguard when I traveled, nor did anyone else. That's the norm for us, at least at that time.

Q But the Ambassador did?

A The Ambassador did. Once we detected the surveillance.

Q And for his trip to Benghazi, was there any discussions that you were part of that he would be guarded at all times?

A I was not part of that discussion. I knew that at least one would go with him because that was the procedure that we'd set up. That two went with him was a surprise to me but I was glad that [REDACTED] made that decision.

Q Was there any recommendation from [REDACTED] that the Ambassador not go at all?

A [REDACTED] was not happy with him going.

Q I noticed that the Ambassador was going to be followed by a [REDACTED], who was to arrive on September 15th, was there any discussion about moving [REDACTED] arrival up or enlarging his time period, or was there a problem with that?

A That was the earliest date that [REDACTED] could arrive that he could be spared from his assignment [REDACTED] I believe.

Q So that wasn't possible, to have him come earlier?

A Yeah. We to fill this gap from Tripoli. And it was the Ambassador's decision to fill this gap in this way.

Q So the Ambassador traveled to Benghazi on September 10th. Is that correct?

A Yes.

Q Okay. And he traveled with two of your diplomatic security agents from -- that were assigned to Tripoli --

A Yes.

Q -- to go to Benghazi?

A Yes.

Q And that then equated to a compliment of five diplomatic security agents in Benghazi?

A Yes.

Q Okay. Now five was supposed to be the steady state in Benghazi. Is that correct?

A I thought it was three, actually, but I could be wrong.

Q Okay. It had been three when you were there?

A At times it had even been two prior to my arrival. I mean, DS had had a very, very difficult time filling those slots, in the same way that we were having difficulty filling the principal officer slot. And for the most part, at least one of the agents assigned to Benghazi was coming TDY out of Tripoli, as [REDACTED] was there from -- in Benghazi when the Ambassador arrived, [REDACTED] was TDY from our compliment in Tripoli.

Q So was [REDACTED] the fifth agent that we couldn't think of a name earlier in the last hour when you were talking about an RSO and five ARSOs when you first arrived?

A Maybe [REDACTED]. And additional agent came in TDY [REDACTED] which is the person I'm talking about to sub for [REDACTED], for [REDACTED] while

he was in Benghazi.

Q So how many diplomatic security agents were you left with after the two accompanied the Ambassador?

A We had four.

Q You had four?

A [Nonverbal response.]

Q The [REDACTED]?

A [REDACTED]

Q [REDACTED] and [REDACTED]?

A And [REDACTED].

Q I want to move forward. Let's talk about September 11th, but before the attack, before you were notified of the attack.

A Okay.

Q Was that, up until the attack, a normal day for you at the Embassy?

A So it began as a normal day. However, when the attack in Cairo commenced we immediately moved into lockdown and I believe we sent all our local staff home.

Q And do you recall approximately what time that was that you got notification of that? And you can use Libya time.

A It was about 1:00 p.m. Libya time.

Q Prior to that, had you had any conversations with the Ambassador?

A No, I had not.

Q Had you had any conversations with the Ambassador since the

time he left on the 10th until the time of the Cairo attacks?

A No, I don't recall talking with him.

Q Any emails back and forth if you recall?

A We may have had emails. I don't remember any of them.

Q Okay. Once the attacks -- or once the protests began in Cairo, you said you put your compound on lockdown status?

A Right.

Q Sent people home?

A Yes.

Q Closed up the doors?

A Yes.

Q Okay. And why did you do that?

A You know, we wanted to be as safe as possible as we monitored Libya and developments. We wanted to be prepared if there was a Libyan reaction to what was happening in Cairo.

Q Was it your understanding that the Cairo protest had been planned and called for?

A I believe that I understood that at the time.

Q Okay. Had there been any similar protest in Libya that were planned and called for prior to that day?

A No, there were not. And so we were interested in monitoring all our contacts, and monitoring social media, news outlets, to see if anything erupted in Libya that was comparable to what was happening in Cairo. And we wanted to do that, but we wanted to do that as safely as possible.

Q Was that something you did on a normal basis monitored social media and news?

A Absolutely, absolutely. I mean we have the whole section, public affairs section, with an American lead and several local staff who are -- their job is to do that and it's a very important job.

Q Is there a protocol or usual response that an Embassy will engage in if they learn that there is a planned demonstration at the Embassy or diplomatic post?

A Oh absolutely.

Q And what is that?

A Well, in a normal Embassy, we would evacuate the Embassy, as we did in Manama in 2002 when we knew that there was going to be an demonstration in front of our Embassy. And so we -- none of us were there when the demonstration occurred and when our Embassy was attacked. So in this case though, because we lived also in a place where we worked, we can't evacuate. And so we're going to implement one of two protocols, either a stand in place and defend the Embassy, call the local government and ask for police to intervene between us and the demonstrators, and then hope for the best or we would evacuate the Embassy grounds and perhaps pull back to another facility or go somewhere -- or leave the country. It just depends on time. How much time do you have to react to a particular incident that might be going to happen.

But in any case, the best thing for us to do is it to consolidate all our people so we know where they are at any given time and can have

the greatest flexibility.

Q And did you do that?

A Yes.

Q Okay. We have heard reports that the demonstrations in Cairo were at least in part if not solely based on some sort of video, or film trailer that was out that was demeaning to the Prophet Mohammed. Did you have that understandings at the time?

A Of the Cairo --

Q Yes.

A -- demonstrations?

Q Yes.

A I think maybe I did. I'm not so sure.

Q Okay. Were you monitoring within Libya for any type of reaction to this film?

A Yes.

Q Okay. And how long had you been monitoring in Libya for any type of reaction to this film?

A I think we had begun monitoring since about September 8th.

Q Okay. And had you had any reaction or any hits on your monitoring?

A Very few, if any.

Q So it appeared to be a nonevent in the country of Libya?

A It was a nonevent in the country of Libya.

Q To your knowledge, did it ever become an event in Libya?

A I think it became an event in Libya after September 16th.

Q Okay. And we'll come back to that a little later. Did you have any conversations with Ambassador Stevens regarding the demonstrations in Cairo and the actions that you were taking in response to that?

A I had texted him and said, hey, are you watching TV? Embassy Cairo is under attack.

Q Did you use the word attack?

A Uh-huh, I did.

Q And did he respond?

A He said, really? And I can't remember exactly what he said, but anyway it was, what's going on? And I said the embassy's been breached, the flag's been taken down, the black flag has been raised in its place.

Q Was that the sum total of your communications back and forth.

A That was the sum total of our communications.

Q Did you inform him in any way that had you put the Embassy on lockdown?

A No, I did not.

Q Okay. Did you have any further conversations or communications with the Ambassador from the time of this exchange regarding the Cairo protest until you received the communication from him regarding the attack?

A No.

Q Okay. We understand that you have talked in depth about

the sequencing of the night of the attack.

A Uh-huh.

Q But we do want to ask some other questions regarding the attack so we won't necessarily have to have you go back through it. We also want to have you look at a couple of different exhibits to sort of guide the next part of this conversation.

So what I'm first going to mark and ask you if you recognize is a document that I'm marking as Exhibit 3.

[Hicks Exhibit No. 3

Was marked for identification.]

BY MS. JACKSON:

Q And it is at the beginning, first of all it bears document number SCB0047264. It is an email from an [REDACTED], dated Friday, September 14, 2012. And it's sent to [REDACTED], [REDACTED]. And the the subject line is re: Log of events on 9/11/12 - 9/12/12.

A Uh-huh.

Q And my first question is do you recognize this document?

A Yeah, I think I reviewed it after the attack.

Q It appears to be a timeline of events in Tripoli that occurred during the attack. Is that correct?

A Yeah.

Q Can you tell us how this document got created?

A This document was initiated by [REDACTED] and the assistant public affairs officer whose name's escapes me at this time. And general practice is to log events, under these kinds of circumstances,

so there's a record of what transpired.

Q And where was this log created? Where were all the people?

A They were in the Tactical Operations Center.

Q Also known as the TOC, T-O-C?

A Yes.

Q [REDACTED] and others were taking down in real-time what was occurring? Is that correct?

A Right.

Q And their goal is to be as accurate as possible?

A As accurate as they can be, yes.

Q The times are they as accurate as possible?

A As accurate as they can be.

Q Okay. So it is essentially a real-time capture of information?

A Yes.

Q Okay. Is it meant to be verbatim?

A If it can be.

Q But time constraints may impede that?

A Right.

Q Okay. So let's just go off the record and give you a few minutes to look through this because it is a rather lengthy document.

[Recess.]

Ms. Jackson. Mr. Hicks, I'm going to turn it over to my colleague, Ms. Clarke, to ask you some questions about this exhibit.

Mr. Hicks. Okay.

BY MS. CLARKE:

Q Thank you, Mr. Hicks. And so we talked briefly about your knowledge of [REDACTED] and her colleague generating this document and that typically is generated during events. Can you just tell us about how [REDACTED] and her colleagues would have been made aware of the information that's actually contained in this document?

A Well, they were actually there amongst us at the TOC. And so they were actually hearing the information as people are talking over the telephone to other people on the other end of the line or as we talked amongst ourselves.

Q And we've had prior testimony indicating that sometimes the cell reception especially in the TOC was poor and that individuals may have to step outside of the TOC to conduct phone calls. In those instances how would that information have been relayed to [REDACTED]?

A To the extent that people actually spoke to her, it was recorded here, but this is not by any means I think a comprehensive report of what transpired.

Q So as we walk through this, the first entry is at 21:45 and this is all Libyan time, and indicates the first report of the attack. Again we understand you've testified previously several times about how you were first alerted of the attacks.

A Uh-huh.

Q So I thought what we could do is just walk through some of the specific entries and have you detail the information regarding those entries.

A Okay.

Q The first one I wanted to turn your attention to was the entry marked as 21:50. It says, DCM made contact with and it is redacted. They said they are aware of the situation - 17 Feb Militia. For the purposes of the record, DCM refers to you? Is that correct?

A Yeah.

Q And do you recall who you made contact with?

A I think this is a call to the chief of station.

Q And it says, they said they were aware of the situation 17 Feb Militia. Can you detail for us if you can your conversation with the chief of station and any information he relayed to you?

A The chief of station said they were aware of the situation. He said the chief of base was reaching out to 17 Feb Militia to activate their role in our security plan in the event of an attack. And I asked him when would the base personnel respond.

Q And what was his response?

A Or actually are the base personnel responding per our memorandum of understanding. And his answer was they are mobilizing and the chief of base is attempting to pull in 17 Feb to strengthen our response.

Q And just for our understanding, the chief of station was not in the Tactical Operations Center with you. Is that correct?

A No, the chief of station was in his facility which is a couple of miles away.

Q And so he says that the chief of base was mobilizing their

individuals there, and that he was also attempting to gain additional individuals from Feb 17.

A Uh-huh.

Q Did he provide you any other updates about the chief of station's attempt to gain those updates of those individuals?

A I spoke with him another -- a couple of times subsequently. And the conversation went something like I briefed him on what I knew from the people that were in touch from particularly [REDACTED] who was in touch with people in Benghazi. And he told me what he understood from what the chief of base was telling him and my question is are your people responding? And he would then say, well, again, discuss attempts to augment his personnel and their response with local allies.

Q And just for the record, you are referring to he or him, you're referring to the chief of station as opposed to the chief of base?

A Yes. Yeah I did not speak to the chief of base during the night.

Q Do you have any concerns with the timeframe that it took from the individuals from the Annex to respond to the Special Mission?

A You know, again I remember I believe three conversations in which I asked him this question. And I think on the third time I asked him he said they are responding. So that's -- yeah.

Q And did you relay any concern to him at the time, regarding the amount of time that it was taking for them to respond?

A No, I just simply described events within the compound as

they were unfolding and in a sense to impart the urgency of the situation to him.

Q Let's move now to the entry that's marked 2157 and it's identified as the DAT. Does that refer to the defense attache?

A Yes.

Q And do you recall his name?

A That was Lieutenant Colonel -- then Lieutenant Colonel [REDACTED], now Colonel [REDACTED].

Q And it indicates that he called [REDACTED].

A Uh-huh.

Q Who is that individual?

A It was one of his contact points at the Ministry of Defense. I'm not sure exactly which person this is.

Q And it indicates he will check into it and get back to us. Do you recall, when the DAT called, [REDACTED], did he relay to you any information regarding his conversation with the general?

A The defense attache's purpose was to be calling military to spark a Libyan military response, just as my call to the government was pushing the political leadership to also spark a Libyan military response. The Libyan Government had Vienna convention obligations to protect our diplomats in their country.

Q And just stepping back to your conversation with the chief of station, you said that you spoke to him three times and the third time he indicated that the GRS were responding. In those conversations, did you have -- did he relate to you, or did you ask

him, whether there were any other assets that could respond that the chief of base may have been aware of or had access to?

A No. He told me that the chief of base was attempting to gain allies for our response.

Q And I guess my question goes to whether there were any other assets that the chief of station was aware of that could have responded outside of the individuals at the Annex in Benghazi? Did he relay any information regarding that to you?

A No.

Q Okay. So moving down the entry at 22:06, it indicates RSO blank is not there yet, and then DCM we understand your guys are on the way but not there yet. Does this refer to what you had spoken to before about the individuals from the Annex having not yet left?

A Right. I think it does. That's a fair inference.

Q And during this time, can you just relay to us where you were getting the information from, who you were speaking to, and where you were passing that information on to?

A Okay. So my role was TOC with the Libyan Government, so I was talking with the chief of staff of the President, I was talking with the chief of staff of the Prime Minister, I was talking to the director of the Americas desk at the MFA, and later in the night I was talking to the Vice Minister of Interior on the line up on the government side. I was also briefing on a periodic basis the State operations center and I was the point of contact with the chief of station.

Q Can you just describe when you talked to the chief of staff

or the Prime Minister and the President, what were your requests and what were you relying to them?

A I was describing the situation in Benghazi as I was learning about events. And I was seeking Libyan Government intervention on behalf of our people in Benghazi.

Q And specifically what type of Libyan Government intervention were you looking for?

A Police, military, people throwing stones.

Q Anyone that could respond?

A Anyone. I remember specifically asking the Vice Minister of the Interior to send the fire brigade, to put out the fire, you know, because maybe the police would go with them. It was a scramble to find anyone anywhere who would help us.

Q And can you describe for us what the response you received from these individuals was?

A The response was we're working on it or we're trying or we'll look into it.

Q And so, once the individuals from the Annex arrived at the Special Mission Compound, were you receiving information from the chief of station about any information that those individuals are relaying about the situation on the ground?

A Yes, once their response began, the chief of station kept me informed of the progress of his team as they responded to the circumstances in our compound. So he described their approach march and the fact that they were able to actually secure some allies on their

way to the station -- sorry, to the Special Mission facility. And we talked about their entry into the compound. He described what they found and how they were able to rescue our people and pull [REDACTED] Sean Smith's body out of the burning building.

Q How often were you in contact with the chief of station? Was it on a regular 10-minute interval, 15? Do you recall?

A It was frequent. We talked all night long. So it was not -- sometimes there were points where it diminished and there were other points where it became, you know, very rapid exchanges. Always complicated by the fact that the cellphone signal was terrible.

Q So once the individuals from the Annex arrived at the Special Mission Compound, and I believe you testified to this before about their -- they were then evacuated back to the Annex. Can you talk to us about in your discussion with the chief of station, what was the plan for the individuals that had been evacuated from the Special Mission Compound to the Annex? Were they going to be stay in Benghazi or was there a discussion to take any evacuation to Tripoli? When was that evacuation going occur and how was that going to occur?

A The chief of station at the same time was working on a relief group to go to Benghazi, in addition to the initial efforts by the A Team. And so he chartered an aircraft -- this is now definitely SCI -- he chartered an aircraft and the individuals on that team which concluded one of his case officers, four of his GRS personnel, and the [REDACTED] who were at the station who volunteered to go with the team. They went to the airport, to Tripoli international airport,

and they flew to Benghazi on the chartered jet, arriving at about 1:15 a.m. or thereabouts.

[11:25 a.m.]

BY MS. CLARKE:

Q And in your conversations with the chief of station, did you understand -- what did you understand the purpose of this team going to Benghazi to be?

A The purpose of that Benghazi team was to rescue people that needed rescuing, to reinforce people who needed reinforcing, and to enhance our security posture in Benghazi.

This is a very fluid situation. I think it is very clear, if you read this document, how rapidly circumstances were changing. They were changing, you know, second by second. And so, you know, the chief of station, in my view, made the right decision essentially, because with the Ambassador incommunicado, I was the senior U.S. Government official in Libya from that point, and he was basically asking for my concurrence to send the team, which I agreed to, even though it weakened our security posture in Tripoli. Nevertheless, he had already taken mitigating steps to protect this facility.

Q And did you have any discussion with him -- you said the purpose of the team was to rescue, reinforce, and enhance the security posture of individuals in Benghazi. Was the purpose of the team also to evacuate the individuals, the State Department personnel that were moved to the Annex?

A When we were talking about this, we hadn't considered that. That was -- to save their lives was in our mind. Evacuation was, okay,

well, we'll get to that when we get to that, but right now we're in lifesaving mode.

Q You say, when we were talking about this, this is -- that timeframe would have been prior to this team actually leaving Tripoli?

A Right. I mean, once the team, you know, left the -- once the decision was made to move, then the chief of station took over and they moved. And, you know, I went back to doing my job, and the chief of station did his job.

Q So returning back to exhibit 3, if you'll take a look at the second page, there are a couple of other entries I wanted to ask you to describe for us.

A Okay.

Q So the entry 2216, it indicates: "DCM: Attackers are inside the compound. Buildings are on fire." And then if you go to the last sentence, it says: "We talked to (blank) and asked him to get the military involved..."

Do you recall who you were referring to?

A No.

Q Okay.

A Again, it's within the range of the individuals that --

Q You mentioned earlier?

A Mentioned. I mean, this could also be we talked to the DAT to get the military involved, which the DAT is already doing that. So, you know, I don't know who I'm talking to in this phone -- in this thing. It says DCM said this, but who am I talking to? I don't know.

Q Okay. So if you could just walk us through. You said that you had talked to the DAT and he was getting the military involved. Do you recall --

A Trying.

Q Trying to get the military involved. Do you recall were there any specific requests made by the DAT or made by you for particular types of assets from the military or --

A I did not. The DAT made all contact. The DAT talked to our military and the DAT talked to the Libyan military. And, you know, I presume he -- you know, the DAT was in a better position to know what military assets the Libyans had available to respond to this issue, so I left that conversation to him, whether it was specified or not.

In general, though, we would not specify because, you know, we, in specifying, we might actually harm ourselves. We might specify a unit that is actually unavailable or incapable just because we happen to see a unit marked on a board or something like that. So it's better to simply allow those who can make decisions to make the right -- to make the choice. All we want to do is ask -- all we're asking for is: Will you help us?

Q And so you indicated the DAT would have had knowledge about particular Libyan resources that may have been available. Would he have also had similar knowledge about particular military resources from AFRICOM that may have been available?

A He and Colonel [REDACTED] were in the best position, along with the chief of station, to have a clear understanding of what military

resources might have been available that night to respond.

Q And for the record, who is Colonel [REDACTED]?

A Colonel [REDACTED] was the military assistance officer.

Q Did you have any discussions with the chief of station that night regarding the types of military assets -- AFRICOM military assets that could respond to the attacks in Benghazi?

A I did. After the defense attache told me that the only assets available were F-16 fighters at Aviano but that there were no tankers, I relayed that information to the chief of station and asked him to pass that to our people in Benghazi and tell them to take an appropriate posture consistent with an expectation of no U.S. military response.

Q To your knowledge, did the chief of station relay that message to the individuals in Benghazi?

A I was told afterwards, yes, that he did.

Q And did the chief of station tell you that or did an individual tell you afterwards that that message had been passed?

A I do not recall who told me that.

Q And in your discussion with the chief of station about the F-16s, did he indicate to you any other military assets that he thought might be able to respond?

A He did not.

Q So just continuing on exhibit 3, there is an entry at 22:26, about midway down the page, and it indicates that: "DCM: Just got a text from the Brits."

Do you recall receiving -- for the record, does "the Brits" refer to individuals -- the British?

A It was probably the British DCM.

Q Okay. And was the British DCM in Tripoli at the time?

A Uh-huh.

Q Okay. And did you have any further discussions with him that night regarding what was happening in Benghazi?

A I did not speak to her again.

Q Oh, I'm sorry. Yes, okay.

Did you respond to the text? Do you recall responding to her text?

A I don't. I may -- I probably did. It would have been polite not to have responded -- impolite not to have responded.

Q Do you recall whether the DAT or anyone else at the TOC that night reached out to the British to ask about any capability of theirs to respond to the events in Benghazi?

A I don't think we did. [REDACTED]
[REDACTED]

Q Okay.

A And again, just to be clear, if it was any -- any outward -- if it was resources from outside Libya, we all felt that was not our responsibility. It was our responsibility simply to inform and request, and it was the decision of people in Washington and Stuttgart to respond.

Q I see that my time has expired. I have additional questions

regarding this and the night of the attack. We will return to that once our hour begins. But at the moment, we'll go off the record.

A Okay. Thank you.

[Recess.]

Mr. Kenny. Okay. We'll go back on the record. Time is 11:45.

EXAMINATION

BY MR. KENNY:

Q And, Mr. Hicks, again, thank you for coming in. I'll take a moment to reintroduce myself. My name is Peter Kenny, counsel for the minority staff, and I'm joined here by my colleague, Shannon Green.

A Okay.

Q We covered a lot of topics, a lot of ground in the previous 2 hours, so we're going to do our best to move through material quickly.

A Okay.

Q I understand there's still much more material that the committee plans to explore with you today, so we want to do our best to expedite and be quick with you. So if I jump from topic to topic, if I lose you at any point, feel free to let me know. Happy to stop, go back, provide a little bit more context.

We had a brief discussion in the beginning of the last hour about some of the previous testimony that you provided, including to the House Oversight and Government Reform Committee. Is that correct?

A Uh-huh.

Q And as I understand it, you had a transcribed interview with them.

A Uh-huh.

Q In April 11 of 2013. Is that correct?

A Uh-huh.

Q And then you also had public testimony that you gave before the committee on, I think it's May 8th, 2013. Is that correct?

A Yes.

Q Okay. Other than those two occasions have you been interviewed by a committee of Congress in connection with the attacks in Benghazi?

A Yes. I was interviewed by the Senate Intelligence Committee.

Q Okay. The Senate Select Committee on Intelligence, the SSCI. Okay. Do you recall when that interview was?

A June of 2013.

Q June of 2013. Okay. And was that a classified interview that you recall?

A Yes.

Q Okay. So we talked a little bit about, in the last round, about some of constraints on some of the information you were able to share on certain programs --

A Yes.

Q -- that were under discussion in Libya. Do you recall if you were able to share that information in the classified setting that you had with the SSCI? In other words, was there any obstruction to you being able to provide that information in that setting?

A No. The question -- the issue was what questions were asked.

Q Okay.

A And so that's -- so if I wasn't asked a question, I wouldn't have been able to share the information. And so that's -- since that was 3 years ago, I'm not sure I recall the questions that were asked in that interview.

I don't recall, so I mean, it's just --

Q No, that's a helpful clarification. And other than the three instances we just discussed, have you appeared before any other committee of Congress --

A No.

Q -- in connection with the attacks?

A No.

Q Okay. We had a discussion in the last round about a discussion that was underway at post or in country about whether to extend the temporary mission in Benghazi, the special mission in Benghazi, and make it a permanent -- a more permanent post. Do you recall us having that conversation?

A Right.

Q I'd just like to ask first if we could just take a step back. The Ambassador had previously served as a special envoy to Benghazi. Is that correct?

A Correct.

Q Okay. And --

A Special envoy to the Libyan revolution or something like that.

Q Okay.

A I can't exactly remember his title, but it wasn't to Benghazi -- special envoy to Benghazi. He was special envoy to --

Q To the National Transition Council?

A National Transition Council. Thank you.

Q And at that time, do you recall that that entity was located in the city of Benghazi, Libya?

A They were in Benghazi, and Chris was in Benghazi as well.

Q Okay. And Special Envoy Stevens at the time, do you recall how long he spent in Benghazi?

A He arrived in April of 2011, I believe.

Q Okay.

A And I think he departed when the Embassy was reopened in Tripoli in September --

Q Okay.

A -- and the government moved to Tripoli.

Q Okay. So a period of several months --

A Uh-huh.

Q -- he was in Benghazi?

A Yes.

Q And during that time, do you recall there being any discussion about whether to extend the temporary mission facility, the special mission, into calendar year 2012?

A There was a definite discussion about that issue in the fall of 2011.

Q Were you involved in that discussion?

A I was not. I was in Arabic school. I was on the periphery. I understood that it was taking place. I understood that the final decision was reached in December of 2011, and I understood from hallway chatter that both the views of Secretary Clinton and Ambassador Rice were instrumental in the deputy's decision to extend the facility in Benghazi for an additional year.

Q And you just referenced Ambassador Rice and Secretary Clinton and the deputies, referring to deputy secretary of state?

A No, the Deputies Committee.

Q The Deputies Committee. Okay.

A Which is a structure within -- established and chaired by the NSC.

Q And how did you come to that understanding that those individuals supported?

A That's what I heard in terms of my -- as I was doing Arabic, I was -- studying Arabic -- I was also staying in touch with the Libyan desk about development so that I had a thorough background of all the decisions that had taken place that would -- that refer to or underwrote my work that I would do when I was DCM in Tripoli.

Q Okay. Do you recall who specifically provided that information to you from the Libya desk?

A I do not know that.

Q So when you say "Libya desk," the MAG office desk?

A Yes.

Q Okay. Or the Libya desk within the MAG office?

A Right. I also knew, for instance, people on Ambassador Rice's staff, as well as others. So it may have come from those particular individuals as well.

Q Did you, in that time period, in the fall of 2011, did you engage in any discussions with then Special Envoy Stevens about whether to extend the special mission?

A I did not.

Q Okay. Do you know whether he had himself put forward any political rationale for why the U.S. should continue or maintain a presence in Benghazi?

A I am not aware of his involvement in that decisionmaking process.

Q At that period of time, did you have any understanding of Special Envoy Stevens' views about Benghazi, the importance of it relative to the country of Libya?

A I knew that he had a very close or a very -- let's put it this way. Benghazi had a very special place in his part, I think is the way I've said it in public, and I think that's been conveyed by others. It was a city that he had appreciated when he was deputy chief of mission and charge d'affaires in Tripoli previously and then during his special envoy status.

Now, I believe after he returned to Washington after

being -- serving as special envoy, he returned to his job in the Bureau of Political Military Affairs and so may or may not have had much of a role in the extension of -- in the decision to extend the Benghazi post.

Q Okay. But if he did, you just weren't aware of it?

A I was not aware of it.

Q Okay. And so we understand, based on some of the statements you made in a previous round, that at some point you believe the Secretary had a conversation with Ambassador Stevens about --

A Ambassador Stevens told me that he had a conversation with the Secretary.

Q Okay. And I know you were asked specifically what date that happened. Was it your sense that happened the same time of his swearing in, the same day?

A I believe it happened the same day of his swearing in.

Q Okay. So it wasn't a separate meeting that you believe Ambassador Stevens had with Secretary Clinton about the topic that he relayed to you?

A No. I believe it was a post swearing-in courtesy call, is what we call it. But as in most instances, business gets conducted in such meetings.

Q Okay. And you indicated that when you arrived at post July 31st, at some point thereafter you had a discussion with the Ambassador, checked in with him on the status of that proposal. Is that right?

A That's correct.

Q Okay. And at that point he had asked you then to prepare some sort of proposal that would go forward. Is that right?

A Yes. He asked me to take the lead on the project.

Q Okay. And at that time, did you have a sense of whether making Benghazi a permanent post was important to Ambassador Stevens?

A It was important to him. For a DCM to have the lead in the project at an embassy, means that it has the Ambassador's highest priority.

Q Okay.

A Normally, something like this -- normal work gets passed through the DCM to staff below the DCM. The DCM is the coordinating officer at the embassy, not necessarily the action officer.

Q Okay. Did you view yourself to be the action officer on this proposal?

A I did.

Q Okay.

A I did.

Q And you indicated that you did pass through some of those tasks, I believe you indicated, to the principal officer in Benghazi at the time there.

A I asked him to do a first draft of the political justification, but I reached out to NEA/EX, the executive director's office on the project, and I talked with the DCM in Cairo about their process for gaining approval of the reopening of the Alexandria consulate.

Q Okay. And the meeting that you described for us that the Secretary had with Ambassador Stevens, you believe that occurred at some point in mid-May around his swearing in. That was before some of the security incidents that you described for us you were asked about in the last hour, so that would include the attack on the ICRC, the attack on the compound, the attack on the British Ambassador, correct?

A Correct.

Q Okay. And I think you were asked about other conversations that you may have had around this topic, and so I'd just like to maybe ask the question a different way. Did you have this conversation with anyone else, other than Principal Officer [REDACTED] and Ambassador Stevens, about making or converting the presence into a permanent presence?

A I don't recall speaking to anyone about that.

Q Okay.

A Until the plans to do so began to formulate and the specific plans, i.e., site selection in Benghazi and the drawing of plans, at which point in time we had the facilities maintenance personnel [REDACTED] [REDACTED] the Embassy and the security personnel from [REDACTED] [REDACTED] the Embassy involved in the discussion.

Q Okay.

A But that is later in August.

Q So those individuals, though, were all located out of Embassy Tripoli?

A Yes, or stationed in Tripoli.

Q And did you ever -- you indicated that you had reached -- contacted the deputy -- executive secretary with regard to a separate topic, which was the Secretary's --

A Potential --

Q -- potential visit to Libya --

A Right.

Q -- at some point in late 2012. Did the Secretary's or her staff ever communicate directly to you that she wanted to make Benghazi a permanent post?

A No.

Q Okay. So other than from Ambassador Stevens, did you hear from anyone else that the Secretary did in fact want a permanent post in Benghazi?

A I did not. But, again, Secretary of State to Ambassador --

Q Right --

A -- that's a pretty straightforward line-of-command issue.

Q Sure. And as a DCM, you would have had some sort of in-brief before you left Washington to arrive at post. Is that correct?

A Yes.

Q And so did the topic -- did anyone in those in-briefings communicate to you that the Secretary wanted to open a post in Benghazi?

A No.

Q Okay. Was there -- do you have any evidence that the Secretary actually personally directed Ambassador Stevens to go to Benghazi on 9/11?

A Do I have any evidence that she personally directed him? No, I have none.

Q Okay. And you discussed for us that when you arrived -- it was late, I think, July 31st is when you said you arrived -- you had checked in with the Ambassador on the status of the proposal, and it sounded like that the work had not yet begun. Is that a fair characterization?

A Yes.

Q Okay. And that surprised you?

A That surprised me, given, again, Ambassador Stevens' excitement --

Q Sure.

A -- that the Secretary had proposed this idea to him.

Q Okay. And so your understanding was then that the Ambassador, for whatever reason, had then the period from August going forward to secure a proposal and secure funding to make this proposal a reality. Is that fair?

A It's fair. I think also he realized he had a resource to move the project forward.

Q And what was that resource?

A Me.

Q Always helpful in situations like this.

A No. It's just -- it's a question of do you have someone with the experience of working with the bureaucracy on such a complicated task. You know, Ambassador Stevens and I entered the

foreign service at roughly the same time, and both of us with 22 years of experience. The next most experienced person at the Embassy, at least on the policy side, was [REDACTED] with 10 years of experience and very little experience working with the senior-most officials at the State Department. And so how you work within that bureaucratic environment is a skill that is learned. It's not something that you're born with.

Q Right. Thank you. That's helpful. So you viewed your role then to clear those hurdles, as they existed, to bring people together at post --

A Exactly.

Q -- in order to facilitate this.

A And to reach out and engage the appropriate offices in Washington and get the process rolling there.

Q Okay. Were you concerned at that point that there wasn't enough time remaining in order to move a proposal like this forward? We understand you just described for us the State Department bureaucracy. We've tracked some other decision memos, action memos that have flowed through the Department, and it seems the bureaucracy, when people had to sign off, clear memos, seems that it can become a protracted process.

Was it your view that this process for putting forward the proposal, that there was enough time in order to clear that proposal?

A We thought that on the one hand we were up against a clock. We were also up against a clock that was ticking in Libya, because,

again, having separate facilities in Benghazi was inherently risky from a security standpoint. Consolidating those facilities in one facility would reduce our risk exposure profile and profile there. And so we were looking at a clock ticking in terms of the threat environment and we were looking at a clock ticking in terms of the administrative environment.

We felt that with the Secretary's imprimatur and the threat environment changing, those two would be able -- would enable us to drive the process to conclusion within the time period that we had available.

Q Okay. And just to follow on that, because I think you said "we" at a couple times, and I understand you used that before, the pronoun, referring to your hope to have completed this before the end of the fiscal year, the proposal, to be able to tap into certain funding. And when you say "we" in these contexts, you are referring to you and the Ambassador. Is that correct?

A Yes.

Q Okay.

A And then as that -- as we brought more people into the project, as we brought more people on board, then the "we" expands to include those people who are also working.

[REDACTED]

[REDACTED]

Q Okay.

A He understood the importance of consolidating our personnel

in Benghazi from an operational standpoint as well as from a security standpoint. And it was, in fact, you know, his people who were doing the primary site location recommendations and it was his people who were drawing -- making the architectural drawings for the facilities that we would put in place.

Q So if I understand you correctly, it sounds like if this proposal had actually gone forward and been approved and a consolidation had occurred, that the safety and security of U.S. personnel operating in eastern Libya would have been improved?

A Yes.

Q Okay. You also mentioned at some point, I believe, that you submitted that justification in management memo to the NEA/MAG office. Is that right?

A To the NEA executive director's office.

Q Okay.

A Although NEA/MAG was cc'd, obviously.

Q Uh-huh.

A That memo was classified, and so it was transmitted as in a memorandum form on the high side.

Q So and you said -- I think you had indicated that was sometime in late August when that occurred?

A I believe I sent it on August 31st.

Q Okay. And so that was before the Ambassador's trip to Benghazi?

A Yes.

Q Okay. And you were involved in some of the trip planning for the Ambassador. Is that right?

A Yes.

Q And reviewing meetings that were proposed for him to undertake?

A Yes.

Q Okay. Do you recall any meetings or events that were planned for him that would further this purpose of bolstering the case for a political management justification for extending or making the post permanent?

A I believe that he had intended to view each of the sites that were being proposed. [REDACTED]

[REDACTED] In addition, he was going to be holding a whole series of meetings with political contacts in Benghazi and around Benghazi to assess the security and political environment there.

Q So I guess maybe -- and that's helpful. So --

A [REDACTED]

Q So in terms of -- we'll talk about the management footprint, the physical footprint of the facility. Did you have an understanding that one of the facilities under consideration was the facility that was in fact occupied by State Department personnel?

A Yes.

Q So that would have been Villas B and C?

A Right.

Q Okay. And did you have an understanding that Ambassador Stevens was familiar with that property?

A Of course he was.

Q Okay. So he certainly didn't need to view that property.

A No.

Q Okay. But there may have been some other properties under consideration?

A Yes.

Q Okay. And then from the standpoint of the political justification meeting with local contacts, you had already sent back a memo that contained a political justification back to Washington --

A Right.

Q -- back to Main State at that point. How would the information that he gleaned from those meetings have helped inform that process if that memo had already been sent?

A The memo that -- remember, I sent the memo, and it was not sent as a cable under Ambassador Stevens' name. So it is in some ways a preliminary message.

Q Okay.

A So what the Ambassador was intending to do was to put his weight, his imprimatur behind the recommendation after his return from Benghazi.

Q Okay.

A Not only with respect to the political situation in the country, but also the appropriate site that should be ultimately

chosen.

Q And then tying this to our discussion about a potential visit by the Secretary to Libya --

A Uh-huh.

Q -- I think you'd indicated before that there hadn't been planning underway for the Secretary to travel to Benghazi for a trip. Is that correct?

A There was no planning for a Benghazi trip that I'm aware of.

Q And you mentioned and used the term, I think, "list of deliverables." This was something that was being proposed. Is that an actual document that you prepared --

A No.

Q -- for the Ambassador?

A No.

Q Okay. So these were just discussions that you were having?

A These were discussions about what might be on such a list of deliverables when such a list of deliverables was requested by Washington.

Q Okay. And then, I mean, is it fair to describe that then as some sort of a ground-up idea, you hear the Secretary's companying and you and the Ambassador huddle and try to figure out what sorts of deliverables, to use your word?

A Exactly.

Q Okay.

A What could she do that would best advance U.S.-Libya relations, and this is a process that occurs with every such visit.

Q Okay. Just shifting around a little bit.

A Sure.

Q To return to the document that you'd submitted to NEA/EX, do you recall whether the RSO in Tripoli had reviewed that document?

A The RSO in Tripoli did not review that document because it was about -- it was a political document.

Q Okay.

A But then we had --

Q But you sent it to NEA/EX.

A Right, because they're the management people in the Bureau. They are the people who are responsible for funding and facilities.

Q Okay.

A They also liaise with the Diplomatic Security.

Q Okay.

A We were very clear with [REDACTED] that he would have his -- have an opportunity to weigh in on the security aspects of the concept.

Q Okay. But that hadn't occurred yet?

A Yeah. And we didn't -- and the document did not address security at all.

Q Okay. And I think -- I had indicated earlier that you sat in these discussions -- you had discussions with the country team or with possibly the RSO --

A The RSO was in every discussion about Chris' trip.

Q Okay. But about the decision to make Benghazi a permanent post, I think you indicated that the RSO in Tripoli had some doubts about whether that would be possible based on security.

A He did.

Q So was that information reflected in the memo that you sent to NEA/EX?

A No, it did not. Again, the RSO's views were going to be -- we were going to allow him to weigh in as the RSO independently at the appropriate time.

Q Okay. But in your view, the appropriate time was after the memo had been sent back to Main State?

A Right. Because, again, that was a political -- again, it's a political justification, not a security assessment.

Q Do you recall whether that memo also included billets for personnel who would be -- the staffing footprint for what would be a branch office?

A I don't think so.

Q Okay. So you don't recall if there were a list of ARSOs that --

A I don't recall.

Q Okay.

A I think specifically, again, since it was a political justification, addressing personnel would have been a little bit outside the lines.

Q Okay.

A And I don't recall it, but, you know, I haven't seen it in 4 years, so --

Q Okay. And if we have some time, maybe we'll follow up with that. I would like the kind of shift a little bit back to the pretrip planning with the Ambassador. You had indicated in the last round that there were discussions, I believe, at the country team level about the Ambassador's trip, proposed trip to Benghazi in September 2012?

A They weren't at the country team level, but they were certainly at the level of pertinent officers.

Q Okay. Would that be more accurate, the core country team?

A Maybe the core, but I don't think -- for instance, [REDACTED]

Q Okay.

A If he was, it was directly between Chris and him.

Q But those discussions included the RSO?

A Definitely included the RSO.

Q Okay. And you had mentioned that he was very concerned. I think you said very, very, very concerned about a potential trip there.

A Yes.

Q Do you recall what the follow-up discussion to that was? Were there any actions taken as a result of the RSO expressing his concern?

A Oh, absolutely. I mean, there were decisions made about the conduct of -- how the visit was going to be conducted. First of

all, there would be no advance press that the Ambassador was going. There would be no advance notification that the Ambassador was going. That the Ambassador would minimize his activities outside the special mission facility and particularly attempt to concentrate them only on the last day that he was going to be there.

Q Uh-huh. So who -- just help us understand this process. So these discussions would have included you, the RSO, the Ambassador?

A And the public affairs officer.

Q The public affairs officer. Okay.

A The political officer was already in Benghazi, so --

Q Okay. So you, as a team, discussed some of the security precautions that the Ambassador would undertake in order -- given a heightened security environment.

A Yes.

Q Okay. And were those ideas that the RSO felt comfortable with?

A Yes.

Q Okay. So the RSO in Tripoli, despite his initial concerns about the Ambassador traveling to Benghazi, did he feel comfortable, given those precautions you just described, did he feel with the Ambassador going to Benghazi?

A Well, [REDACTED] didn't register a dissent against the Ambassador going.

Q Okay. And again, just to help us understand, if an RSO at post did have a dissent about an action like that undertaken by chief

of mission, how would that be registered?

A Well, it would be the RSO going to the Ambassador himself.

Q Okay.

A And I think had he done so, Chris would have taken that dissent very seriously.

Q Okay.

A And he has a -- he had a record of complying with RSO recommendations throughout his career. When, for instance, when he was in Benghazi and the hotel in which he was living was threatened, the RSO recommended that he move outside the hotel. That is when the special mission facility was leased, and he moved to that facility.

When rocks were thrown at his team when he was running in Tripoli, the RSO said: You can't run in the village anymore. And the Ambassador complied with the RSO in that instance as well.

So to my knowledge, [REDACTED] did not register an official dissent against going to Benghazi.

Q But I think, and correct me if I'm wrong, I under the context in which you're describing this, if the RSO in Tripoli had registered a dissent to the September 2012 trip for the Ambassador, you believe the Ambassador would have listened to the RSO's concerns?

A I think he would have listened to him very carefully.

Q So in your view, did the security precautions that you discussed, remaining on compound, limiting public exposure, did those things satisfy the RSO's concerns?

A I believe they did.

Q Okay. In the course of these discussions, were these trip planning meetings, would they be in the form of an EAC or would they be separate?

A They were trip planning meetings. They were not formal EACs.

Q Okay. So I think you mentioned before that [REDACTED]

[REDACTED] ?

A No.

Q Okay.

A Although I do believe Chris [REDACTED].

I think he was briefed before he left. I don't know whether it was a briefing or whether it was more of a discussion. [REDACTED]

[REDACTED],
it was determined at that meeting.

Q Okay.

A And as I said earlier, [REDACTED]

Q In the meetings about the Ambassador's trip, did anyone -- anyone -- ever recommend that he not go to Benghazi?

A No.

Q If I could just redirect you to exhibit No. 2. This is the email that you had authored.

A Yes.

Q August 20th, 2012.

A Yeah.

Q So we talked a little bit about staffing gaps in Benghazi, particularly in the principal officer position. You had discussed some of the challenges in staffing that position. I'd just like to ask, here, September 15, you were asked about this briefly in the last round, September 15, October 15, it lists there [REDACTED]?

A [REDACTED].

Q [REDACTED]. Do you know who that individual is?

A I knew he was a political -- I think a political officer at -- in Vienna, at one of our missions there.

Q Okay. Did you have an understanding over whether Mr. [REDACTED] had previously served in Benghazi as the principal officer?

A If he did, I probably knew it at that time, but I have -- I no longer am aware of whether he had or not.

Q Okay. And I think in the previous hour you were also asked in connection with this whether you informed Main State about the Ambassador's planned trip to Benghazi. Would this exhibit, is that what you were referring to when you said --

A Yes.

Q -- that you informed them of the Ambassador's schedule? Okay. So the individuals here, these are all individuals within the NEA/MAG office. Is that correct?

A Yes.

Q Okay. And I think you'd also indicated that they, when you informed them of that, had expressed some excitement for the Ambassador

to be returning to Benghazi?

A Yes.

Q Do you recall how that was relayed to you?

A I think that was relayed in a phone call. We had a standing phone call every day in which I had spoke with either [REDACTED] or [REDACTED] or both, and we reviewed circumstances of that day's developments and we talked about what was coming down the pike.

Q Okay. I apologize. I'm reviewing my notes here briefly to make sure we cover everything we wanted to cover.

I did just want to briefly -- I see we have about 30 minutes remaining -- I did want to turn to exhibit number -- I believe this is exhibit 1.

[Hicks Exhibit No. 1

Was marked for identification.]

BY MR. KENNY:

Q For the record, exhibit No. 1 is an email, the top email, and the chain is from Patrick Kennedy to Robert Neller. You were asked a series of questions about this in the last round. I just also wanted to reflect on the record, you don't appear anywhere in this chain. You haven't seen this email before. Is that correct?

A I've never seen this email before.

Q Okay. You were asked about an email that begins at the bottom of page 1, you see, from Patrick Kennedy to Lieutenant General Neller?

A Okay.

Q 6:31 p.m.

A Okay.

Q On Friday, July 13th. It begins -- it goes to the top of the next page, and I see that there's another header that appears to be inserted there.

A Yeah.

Q It says "From: Charlene Lamb" --

A Okay.

Q -- "to Eric Boswell."

A Okay.

Q And then, first of all, I'd just like to ask, you mentioned Ms. Lamb's name in the last hour. Did you know who Ms. Lamb was?

A Yes.

Q Okay. Who was she?

A She was the deputy assistant secretary for DS office, I think.

Q Okay. And you had met with her previously, before --

A Yes.

Q -- departing for post? Okay. And did you know who Eric Boswell was?

A I did.

Q Okay.

A The assistant secretary for diplomatic security.

Q Do you know [REDACTED]?

A No.

Q Okay. How about Scott Bultrowitz?

A He was principal deputy assistant secretary for the Bureau of Diplomatic Security.

Q Okay. And as we understand, this email appears to convey some information from Ambassador Kennedy to Lieutenant General Neller?

A Yes.

Q Based on looking at this, does it appear as though Ambassador Kennedy forwarded an email he may have received from Ms. Lamb? Are you familiar with the term "ghostwriting"?

A Yeah.

Q Does this look like a ghostwritten note to you?

A Possibly. All I can say is that it's addressed "Bob" and says, "Regards, Pat."

Q Sure. And just for the record, what is a ghostwritten note or email?

A Well, you know, Pat may have tasked the drafting of this note to someone else and then he signed it.

Q Okay.

A I mean, but --

Q Okay. I'd asked you about Scott Bultrowicz. You were asked in the last round about the discussion between -- the proposal or a discussion about Marine security guards and FAST platoons --

A Right.

Q -- for Embassy Tripoli. Did you ever discuss that with Principal Deputy Assistant Secretary Bultrowicz?

A The only time I ever spoke with him was after I returned from Tripoli in October.

Q Okay. So again, we have one email here. It's back and forth between Main State and DOD. Unfortunately, there are more emails that we've had opportunity to review on the State side, internal to the State Department, and specifically with the question of the Marine Security Guard detachment, I think you indicated that you were never consulted or informed about a discussion about that. Is that accurate?

A So far as I know. I never recall a discussion about MSGs in Tripoli.

Q Okay. And so you --

A My understanding was, in fact, Tripoli was ineligible for MSGs.

Q Okay, ineligible, and why is that?

A Because of the MOU between State -- at that time between State and the Marine Corps was that MSGs were only going to serve in OSPB-approved facilities, which means --

Q And you believe that was in the MOU that was signed between State and --

A Yeah.

Q -- DOD. Okay. And has that changed to your awareness?

A I believe that after -- in the wake of the Benghazi incident that the relationship between State and the Marine Corps changed.

Q Okay. And do you know that that was a factor in this discussion about whether to deploy?

A I don't -- I don't know. I simply -- that was my understanding, was that Tripoli, because it was an impromptu, ad hoc facility, was ineligible for MSG protection.

Q Okay.

A Which is one of the reasons why the SST was designed -- was stood up.

Q Okay. And have you had an opportunity to review that older MOU?

A No.

Q Okay. So when you say that's your understanding, what is that understanding based off of?

A That's based on conversations with folks who would know.

Q Okay. So just so we better understand, folks who would know, would those be people in Diplomatic Security, for instance?

A People in the Diplomatic Security, people who work in the Executive Directorate offices, in the management cone.

Q If a decision had been made within Diplomatic Security with regard to, say, some sort of DOD force protection, how would you expect, as a DCM, to be informed about a decision like that?

A It would have come out of the executive director's office of NEA or directly from DS to the RSO, one way or the other.

Q Okay. And again, you just don't recall this particular discussion?

A I was not a party to this discussion at all.

Q Okay.

A I don't think anyone at the Embassy was a party to this discussion at all.

Q We understand things may have changed since the events, the attacks in Benghazi.

A Uh-huh.

Q But did you have an understanding at the time the MSG or even a FAST platoon would have -- did you have an understanding, would they have been able to augment movement security, for instance, in Embassy Tripoli?

A The MSG certainly would not have been able to.

Q Okay.

A They are facilities protection, and their role is also to protect classified information.

Q Okay.

A That is their purpose. Number one, classified information. Number two, facilities. Number three is personnel.

Q Okay.

A So MSG, no. FAST platoon, again, their purpose, they are an internal defense force. They are not a mobile force.

Q Okay. So they're a little bit different than from an SST?

A From the SST kind of construct, which was to provide mobility -- mobile security support for diplomatic activity.

Q Do you recall -- you mentioned one of the main missions of an MSG is the protection of classified material. Do you recall whether Embassy Tripoli had, in fact, met that standard in terms of classified

information processing, that it would qualify for an MSG?

A We had a waiver to operate classified information -- provide classified information.

Q Okay.

A And we were working on moving toward renewal of that waiver when 9/11 occurred.

Q Okay. And would that have been a discussion with some countermeasures folks in Diplomatic Security? Who would those discussions have been with?

A It's a combination of both Diplomatic Security and the IT folks at State.

Q Okay. I just want to touch briefly on our discussion about the 1208 program.

A Uh-huh.

Q The site security team. And then we may return to this in a later hour. But I did -- I wanted to focus, if we could, on the first video teleconference that you participated in.

A Sure.

Q I think you described that in some detail, and you have both here and in other places. Something that struck me, and I indicated in my notes, is you describe there being some sort of a translation problem --

A Yes.

Q -- because of State culture and DOD culture on that video teleconference. Can you elaborate on that for us?

A Sure. Basically, again, Chris went through a series of reasons to delay the decision, and the DOD people at the other end interpreted his presentation as an effort to maintain his authority over the SST.

Q I see. When you say "the decision," the decision being the lapse of the SST in --

A Right.

Q -- the beginning of the 1208?

A The transition from SST to 1208.

Q Okay.

A And the discussion became rather heated and, in my opinion, disrespectful on the side of the DOD officials.

Q Okay.

A And so -- but nevertheless, you know, Chris stuck with it and, again, continued to sustain.

And the point, you know, he never explicitly asked for a delay in the decision because he could not. Knowing that Under Secretary Kennedy had already terminated the mission, he could not explicitly ask AFRICOM to suspend the transition. AFRICOM would have had to have done that on its own merits.

Q I see.

A On its own. It would have had to have held the SecDef's signature until such time as we could put in place the structure that we needed for the mission to proceed --

Q Sure.

A -- in a declared fashion.

Q And just on the point you just mentioned now about whether the Ambassador was empowered to make a request of AFRICOM for a continuation of SST, can you explain for us, the under secretary, based on what we see in exhibit 1 and what you have told us appears to have made some sort of decision with respect to that, and I think you have described for us --

A The Homeland Security Committee report, if you read that --

Q Uh-huh.

A -- said explicitly that Pat Kennedy terminated the SST.

Q Okay.

A That's what I'm -- when I said he terminated the SST, that's where -- it's in that --

Q Sure.

A -- committee's report on Benghazi --

Q Sure.

A -- where that information is made available to the public.

Q At that point, that information comes back to you and the Ambassador that the SST would be ending. If there had been a desire to continue the SST, what could you or the Ambassador have done?

A Well, we couldn't do anything because the Ambassador effectively, in his cable on July 9th that we looked at here, he's basically saying, you know, give me the -- you know, extend the SST, give me something -- or give me something like the SST.

Q Right.

A And that cable had -- you know, again, no response equals no. So he knows that he has no support at State to even ask for a continuation of the SST for any length of time longer than the military are willing to do that.

Q So I understand the force and effect of the decision by the under secretary for management. Had the Ambassador disagreed with that specific decision, could he have escalated that up through his chain in NEA?

A Well, again, he's done that already with his cable, and it's 3 weeks after that cable and he still hasn't had an answer to it. In addition, he knows that Ambassador Cretz and DCM [REDACTED] met with Pat Kennedy in April to protest the normalization plan, which included the termination of SST, and he knows that Pat Kennedy refused them in that meeting.

Q In the April 2012 meeting?

A Yes.

Q Okay.

A And so --

Q But that SST was renewed --

A Briefly.

Q -- that period?

A Briefly. But the normal --

Q I think it was August?

A Yeah. But normally -- but the normalization decision, the broader normalization process was what Ambassador Cretz was also

saying, asking not to be accelerated or implemented as planned. And so having -- knowing that his predecessor had already been turned down, recognizing that he's already been turned down, he's not in a position to ask AFRICOM explicitly for them to hold up the transition.

Q So I just want to clarify some of what you said because you've said at several points the Ambassador had been turned down. In April of 2012, Ambassador Cretz was at post, correct?

A Uh-huh.

Q Okay. So Ambassador Stevens wasn't the person who was turned down at that particular point in time, in your view?

A No, he wasn't.

Ms. Toensing. He clarified. He said that very clearly, that it was Ambassador Cretz.

BY MR. KENNY:

Q He did, he said he participated in the meeting, but I just want to disaggregate a little because you said he knew they were turned down twice.

A He knew that Ambassador Cretz was turned down.

Q Okay.

A He knew that he was turned down.

Q Okay.

A And so --

Q So can we talk, did you have discussions with the Ambassador about his views that they'd been turned down in the SST?

A I talked to him about -- after the meeting -- after this

meeting, and I asked him: Do you want to send a cable protesting the transition? And he said no.

Q Okay. And do you know why he said no?

A No, he didn't, no, but I inferred it. This is my inference. I did not ask explicitly, but -- again, understanding how the bureaucracy works at that level.

Q Uh-huh. And your understanding about what had occurred in April of 2012, what was that understanding based on?

A That's based on my reading of other -- of the other committee reports.

Q Okay. So that's not firsthand talking to DCM [REDACTED] or Ambassador Cretz?

A And I also think that -- I think there may have been an exchange of emails between me and [REDACTED], but, you know, again, it's been 4 years.

Q Okay. So you don't recall.

A My understanding was, going into post, that they had appealed the normalization process and been turned down.

Q Uh-huh.

A And that --

Q Sure.

A And of course, I think also [REDACTED] has testified to this effect as well.

Q But the SST was extended from April to August 2012. Is that -- do you have an understanding of that as well?

A I did, yeah. It was clear. They were there when I arrived.

Q Right. So when you say that they were turned down in April of 2012 --

A When they came in, they went in to protest the broader normalization of the security posture plan.

Q Right.

A That this was going too fast.

Q Maybe it would be helpful, normalization has a specific term.

A Means the termination of the SST, means the withdrawal of the MSD teams, it means reliance on a normal complement of RSOs and Libyan-hired security personnel.

Q So it's a shift from some of the emergency-type security resources to some of the more local indigenous based and RSO, traditional RSO?

A Traditional RSO program.

Q Okay. And so you understand, based on reading of some reports, that there was a discussion about that normalization policy in early -- or in spring 2012. Is that right?

A Right. That's correct.

Q Okay. And the outcome of those discussions, the SST remained in Tripoli?

A The outcome was that the SST was extended until August, but not beyond August.

Q Okay. But we talked about MSD. MSD also remained in

Tripoli, was that to your understanding, through that time period?

[12:30 p.m.]

Mr. Hicks. MSD remained until August and was pulled out as well.

BY MR. KENNY:

Q Okay. And I guess it's helpful to maybe talk about these things a little bit separately. We're talking about a transition. Was that something that had been planned in advance to transition to undertake normalization to go from emergency type resources to more local based resources?

A That was the diplomatic security plan.

Q Okay. Okay. And then is your understanding, your sense then, that at certain points certain benchmarks weren't met in order to move forward with the normalization?

A At certain points the Ambassador -- Ambassador Cretz and then Ambassador Stevens said, wait a second, the environment here is not conducive to this normalization plan and we need to make sure the transition is more seamless.

Q So when Ambassador Stevens said that, how did he say that? Is that the July cable?

A That's the July cable.

Q Okay. And when you say he was turned down, that's your interpretation based on the fact that the cable was responded to --

A Actions speak louder than words.

Q Okay.

A SST was transitioned, MSD teams were withdrawn. We had to move forward with hiring local guards.

Q So on the SST front, because we understand that they are a little more of a specialized team than some of the other security resources, so there may be demand for them to be in other locations as well.

Again had the Ambassador had a specific concern about the SST that if he felt he needed the SST you said that he never expressed that to you. Is that correct?

A Well, again, I'm not sure exactly what you're asking. I mean the SST wasn't going anywhere. Its status was changing and its mission was changing.

Q I see.

A And so what the Ambassador wanted was dedicated professional American security personnel to enhance our facilities protection and to allow people to move within Libya safely. And so the SST's transition from security mission to counterterrorism training mission means that they can't do that. They are no longer under the Ambassador's authority. They work for General Ham.

Q Right. And so maybe that's the point I wanted to key in on. If he had a specific concern about specifically SST and we talked about you viewed his July cable as escalating that or raising that back to Main State?

A Yes. And that's clear from the back channel communications between post in Washington as well.

Q So MSD Tripoli sends this cable July 9, there's a series of emails we read around the July 13 time period, if following those

discussions the Ambassador still had a concern about the SST and the decision made by Under Secretary Kennedy, could he have raised that to the assistant secretary level, the under secretary level within --

A But he'd already raised it. I mean, that's what a front channel cable is. And the proper response is a front channel cable back from Washington.

Q Okay.

A The fact that he received no response. The fact that the SST transitioned, the fact that the MSD teams were withdrawn are actions that are in response to the Ambassador. They are telling him ambiguously, unambiguously that you should not have sent this cable.

Q Okay. What is that information based on?

A That is based on 25 years of experience in the Foreign Service.

Q Okay. In respecting your experience, you think the non response to this cable is the department telling the Ambassador he shouldn't have sent this cable?

A Yes.

Q Not based on anything else?

A And based on the actions that took place.

Q Okay. And again, you said you had at least one discussion after the July 13 decision with the Ambassador where you asked him would he support a memo or a cable challenging this broader policy of normalization of security resources --

A No. Asking that the SST decision be deferred to protest,

to say -- see again, I'll come back to something I said. DOD's internal regulations for initiating the 1208 program the bureaucratic process requires approval of the Ambassador in the country which will host the 1208 program.

Q Uh-huh.

A Ambassador Stevens had not given his explicit concurrence on that transition up until that time. I propose that we write a cable explicitly stating his nonconcurrence with the transition to the 1208 team.

Q Right, but that was a separate discussion from retaining a security element for embassy security?

A Well, No, that would have effectively -- if we explicitly said non concur, then DOD would have had to stopped the DOD transition order or violated its own internal regulations for processing such an order.

Q Okay.

A So I'm sorry -- this is --

Q It's confusing.

A It's very complex and very confusing, but it is very cultural. And I'm sorry if it is difficult to convey a culture of under statement of nuance and reading and interpreting nuances.

Q So you mentioned, though, that the Ambassador had not concurred with the 1208 program at least at this point? Ambassador Stevens.

A He never did.

Q Are you aware whether Ambassador Cretz had concurred with the 1208 program?

A Ambassador Cretz had sent a cable in recommending the 1208 program before he departed post.

Q Okay. And your view to that qualifies his concurrence?

A Ambassador Cretz was no longer at post when the decision was going forward -- moved to the Secretary of Defense. And therefore his views while important, are not definitive.

Q Okay.

A At least from my perspective as DCM.

Q Okay. Okay. So you think -- please understand or correct me if I'm misstating this, but you have an Ambassador, Ambassador Cretz concurs or recommends that a 1208 program be given the green light to go ahead. A new Ambassador comes into post. You think that based on your understanding that that required a new concurrence of the new chief of mission?

A Absolutely.

Q Okay. So Ambassador Cretz's decision wasn't binding on the embassy after he left post?

A Right. Right.

Q Okay. I think we touched on this before, I know this has been discussed at length, but the July 9 cable, again it touched on a couple of different security resources. There's DS, MSD, high threat, DSS agent DS SPS or DOD/SST personal or a combination? Just reading from the bottom of page 3 of exhibit Number 1.

A Right.

Q Did you view this cable as a request for the extension of the SST or is that -- in other words, was that one of the possibilities?

A One of them.

Q Okay. And there are also other possibilities?

A Absolutely.

Q To satisfy embassy Tripoli's needs?

A Yes.

Q Okay. And once it became clear that the SST would not be extended, did you and the Ambassador begin exploring other options to staff security?

A Having not received a cable response from Washington on this, we felt that there was no sense in pursuing the matter. The non response was -- and the withdrawal of both at the MSB teams were an explicit rejection of this request and in a very, very negative way.

Q Okay. We talked about normalization, that applying to some of the more extraordinary resources, the MSD, the SST. There is also mention here of high threat trained DS agents. Using that resource in order to staff 13, did you believe that that request had also not been -- what was the status of that request?

A Well, again, I mean there was no response. And again I come back to the point no response, MSD withdrawal, SST transmission. We are being told to shut up and do our job with the resources we have been given.

Q Okay. And who communicated that to you?

A No, that's what -- everything I've just said is communication. The non response --

Q Is the equivalent to saying shut up.

A And the withdrawal, the exact opposite of what we asked for. We had MSD at post, they were withdrawn. That is an explicit rejection of the request.

Q Sure. Did you discuss this normalization plan with DAS Lamb when you met with her?

A I did.

Q And did you present any objections to that plan?

A I did.

Q And what did she tell you?

A She responded without responding. She looked at me.

Q So no verbal response?

A No verbal response whatsoever.

Q And how did you interpret that?

A I interpreted that as no.

Q Okay. Did you follow up with anyone after that meeting?

A The individual from NEA-EX and I talked about writing up a record of the conversation.

Q Did they ever happen?

A And she didn't ever do it, so --

Q We have just a few minutes remaining and then I think we'll break for lunch and shift to a new venue.

But I just wanted, while we have you for another minute or two,

to see if there is anything else we can touch on or just wait for the next round.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q Mr. Hicks, I think we've gone over this a couple of different times but I just want to make sure that I have it totally clear. And it is around the July cable and the non response issue. I think you said a number of times that the Ambassador sent the July cable. It went up, there was no response. And your inference from that was that from that, and the fact that other resources were withdrawn, was that people at Main State were basically telling you and the Ambassador to shut up and stop making requests. Is that an accurate understanding?

A Yes.

Q Did the Ambassador ever say that explicitly to you?

A No.

Q Okay. So that's just from your inference from your experience and from the actions?

A And the fact that we didn't over the next 6 weeks make another -- over the 6 weeks that I was there, between July 31st and September 11th, did not make a single request for additional security resources.

Q Yes. Okay. So Ambassador Stevens then decided to the to make any additional requests or to go up or around or protest as you offered him an opportunity to do a cable protesting and he said, no. Is that right?

A That's correct.

Q But he didn't explain to you why when he said that, right?

A No, he didn't. It took me a while to figure it out, but eventually I now understand why he said no. It is not often -- it's occasionally that Ambassadors don't actually explain why they don't want to do something or want to do something.

Ms. Sachsman Grooms. Thank you.

Mr. Kenny. Off the record.

[Recess.]

[1:42 p.m.]

BY MS. JACKSON:

Q All right. Let's go back on the record, it is 1:42. When we broke to take a lunch break, one of the things that was being discussed was the SST changing from being under chief of mission protections to what I interpret to be sort of a no man's land, doing their 1208 mission, but not having a status of forces agreement in place. Is that your understanding of their immunity status in the time period of the 1st of August until September 10th?

A Correct. Their status in terms of diplomatic immunity was they had no diplomatic immunity between the time stamp on Secretary Panetta's signature of the transition order and September 10th. They had no diplomatic immunity whatsoever. What existed was General Ham issued a waiver of -- a force protection waiver.

Q And can you explain what that is?

A It basically means that they are authorized to operate in an environment in which General Ham has said he cannot provide adequate force protection for those soldiers.

Q And in the meantime, you're working to get the status of forces agreement in place, to get them that protection?

A The exchange of diplomatic notes that would have granted them diplomatic immunity, yes.

Q Okay. And did that occur, the exchange of notes.

A It occurred in October.

Q Okay. So I believe you had said before that as of August

3rd, 4th, August 3rd when they end their SST duties and August 4th when they continue with their 1208 duties, that they could have stayed in country. And I guess I just didn't understand what that meant.

A Sorry. I may not have been clear.

Q Okay.

A So on August 3rd they were an SST, a site security team,

[REDACTED]. On August 4th, they were a 1208 training program and they continued to implement that training program which they had begun prior to that transition without diplomatic immunity.

Q [REDACTED]

[REDACTED]?

A [REDACTED] [REDACTED]

Q And then when this attempted car jacking happens on the 19th or 20th of August --

A August 6th.

Q I'm sorry. August 6th?

A I believe it was August 6th.

Q Then it sort of brings home to everyone that they are there without any type of protections and immunity? Is that correct?

A Correct.

Q And then at that time they depart country?

A At that time we suspend the counterterrorism training program and we can find the counterterrorism trainers to post, to the embassy, the compound, and until such time as we can assess the situation ultimately the -- it becomes clear to us that it will take some time for us to get formal approval to resume the counterterrorism training program and the ten members of the SST, what had been the SST team, are withdrawn back to Germany.

Q And when you say we spend, are you talking we DOD, we the U.S. Government, we the State Department, we the Ambassador?

A The Ambassador, correct. And in conjunction with AFRICOM, since they are actually under AFRICOM's authority at the time. The Ambassador recommended suspending, recommended holding them, keeping them in the compound, Ambassador Ham -- I mean General Ham concurred with that recommendation.

Q And so if on August 3rd there SST status had been extended for another period of 36, 60, 90 days, the immunity that they were operating under would have extended too?

A Yes.

Q Okay.

BY MS. CLARKE:

Q On August 3rd it is my understanding that that's where the status of SST was terminated? Is that correct?

A Yes.

Q And that is because the decision was not to extend the SST? Correct?

A The decision was not to extend the SST and the decision by Secretary Panetta and the order he signed was to initiate a 1208 program using those personnel.

Q If Secretary Panetta hadn't signed that 1208 program, could the individuals that constituted the SST have stayed in country after August 3rd?

A That is an open question. I think our position at the embassy would have been yes, they would have been able to stay.

BY MS. JACKSON:

Q And how would they have gotten diplomatic protections?

A They would have been staying there under the Ambassador's authority.

Q They would have been listed as like I believe the termination is A and T, administrative and technical?

A Yes, administrative and technical staff.

Q Could the Ambassador have tasked them with duties then?

A Had the Secretary of Defense not signed that order, and had General Ham extended the SST mission, then yes, the Ambassador would have been able to do that.

Ms. Clarke. And to your knowledge, could General Ham have extended the SST mission without concurrence from the State Department?

Mr. Hicks. That's a very good question.

BY MS. JACKSON:

Q To which you don't know the answer.

A Exactly. You have strayed into legal areas where I am not

conversant.

Q Okay. Going back to another topic that was talked about, both in the first hour, both by us and by our minority colleagues, when we were talking about writing your proposal to make Benghazi a permanent post, you've stated that that went up to NEA at least the policy piece of it went up to NEA on August 31st. Is that correct?

A That's my recollection, yes.

Q That wasn't a formal cable. Was that more of an informal attachment to an email type thing?

A Yes.

Q Okay. So you knew there was a whole security piece that was going to be added to that?

A Yes. At some point in time before September 30th, NEA/EX would have put together a memo to Under Secretary Kennedy that proposed making the consulate permanent. As part of that memo, there would be supporting documentation attached to it. The political justification would have been one element of that -- of those attachments. Included in that would have been the plans for the sites and would have been the RSO's security assessment.

Q There was some discussion before about, if I may paraphrase, you were a little surprised that this had not been started when you arrived on July 31st, given the tight parameters with the funding being available only until the end of September. Is that a correct sort of summary of your reaction?

A I think that is one factor. The other factor was given

Chris' enthusiasm, his excitement about the Secretary's approval, the Secretary's desire to have that event take place that the project had not commenced.

Q Okay.

A But I also understood because I think it is important to note here that I arrived over a month later than planned. I was expected to arrive at the end of June, not the end of July.

[REDACTED]

I resumed DCM training then in the second course in July. And so again that may have been an extenuating circumstance for the delay.

Q And your predecessor [REDACTED] had already left Libya?

A She left in the middle of June, as I recall.

Q Okay. So from the middle of June until the end of July, there was no full-time deputy chief of mission?

A That's correct.

Q And Ambassador Stevens, do you recall when he had arrived in Libya?

A End of May.

Q Okay. So we're talking a very short timeframe to get a lot of things done?

A Yes.

Q With reduced staff?

A Yes.

Q Okay. Was there any part of the proposal to make Benghazi

a permanent post that would have clarified or bestowed some sort of diplomatic immunity on the staff that served in Benghazi?

A Depending on our negotiations with the Libyans, making the post permanent would have conferred upon our personnel there, consular protections provided by the Vienna Convention.

Now the Libyans may have provided them with full diplomatic immunity associated with embassy staff as a courtesy and we certainly would have asked for that status.

Q Do you know had you asked for that status?

A No. We had not initiated diplomatic discussions with the Libyans on this matter. We expected that they would accept and so we're simply building our case internally for the project.

Q So at least in your mind there was some question as to the extent of immunity that people had who were serving in Benghazi?

A People serving in Benghazi because they were technically assigned to the embassy had, in our opinion, full diplomatic immunity as embassy staff. Now again, this is was ambiguous relative to what the Libyans viewed. But again, I think that they viewed them as having full diplomatic immunity.

Q Okay. But certainly having a recognized permanent post, a consulate, an embassy branch office, would have clarified that and made it clear that anyone who was serving in Benghazi from the State Department would have diplomatic immunity?

A Right. Any U.S. Government personnel assigned to a consulate in Benghazi would have had at a minimum consular immunity.

Q I asked you in the first hour about the people who were scheduled to be the principal officer in Benghazi.

A Uh-huh.

Q From [REDACTED] to the end of the year. And I also asked before was there any reason why [REDACTED] couldn't have moved up his time to cover that time period in September and he had some sort of commitment. Is that correct?

A That's correct.

Q Was there any reason that [REDACTED], who was there before Ambassador Stevens, was there any reason he could not have extended and stayed longer?

A The Ambassador could have made that decision had he chosen to do so.

Q But is it because, as you've described before, the Ambassador wanted to have his personnel assessment of the situation in Benghazi and his personal outreach to get the clearest picture of what was happening in Benghazi?

A Yes.

Q Okay. Then I think we're going to shift back to the night of the attack. And if you could take exhibit 3 again, you have it before you. I have just a few more general questions and then I'm going to turn it back over to my colleague, Ms. Clarke.

How soon after you received the first notification from the Ambassador and [REDACTED] at the same time that there was an attack ongoing in Benghazi did you all move to the TOC? Basically I would

like to know how soon did this timeline start?

A I remember arriving at the TOC within 5 minutes, if not less, from my residence. And others began appearing soon thereafter, if they were not already there, having been working there late.

Q Is the TOC generally staffed at all times?

A Yes.

Q Okay. Was this log in process when you arrived, if you recall?

A I don't recall whether it was or was not. I remember the assistant public affairs officer telling me somewhere around 22:10 or 22:15 that they had begun the log and I recall saying, good, thank you.

Q And we obviously have entries prior to that?

A Yes.

Q From the time were you first notified of the attack -- let me ask you this, what time were you first notified of the attack when you received the call from Ambassador Stevens?

A I think [REDACTED] came running into my quarters at around 21:45 yelling, the consulate is under attack. Greg, Greg, the consulate's under attack. And within seconds I had connected with the Ambassador and heard his fateful words as well. And then as I'm walking over to the TOC I'm redialing to try to reconnect with him and not succeeding.

Q Okay. So then this log that we have in exhibit 3 is essentially from the moment you all first have noticed that there was an attack?

A I think that's correct, yes.

Q We see a lot of acronyms in the left side of the attack such as -- and you've identified a few of them, but just to make sure that the record is complete, you've previously said that references to DCM is a reference to yourself. Is that correct?

A Yes.

Q And DAT is the defense attache?

A Yes.

Q Okay. Is the references to RSO to [REDACTED]?

A Yes.

Q Okay. The very first line is DOD. Who would that refer to?

A Well, normally the acronym for the Department of Defense, but I don't know if -- don't know the person. So one possibility is [REDACTED], but I think he's named further down.

Q Okay. Could it also be the DAT, the defense attache?

A It might be.

Q Okay. How many military people did you have, how many DOD people were in the TOC that evening?

A In the TOC that evening -- the defense attache [REDACTED] and they had an enlisted individual as well, so the three.

Q And who was the defense attache?

A Colonel [REDACTED]

Q All right. And at the bottom of the first page PAO is that your public affairs officer?

A Right. [REDACTED], [REDACTED] and I will not attempt his last

name.

Q And then one other one I see is POL? That's your political officer?

A POL. That's [REDACTED]. You'll see it's [REDACTED] in quotation -- in asterisks -- in parenthesis afterwards.

Q Okay. You've previously described that you were primarily in contact with various and sundry Libyan officials with the chief of station, and then back to the Department of State, Main State or headquarters. Is that correct?

A Yes.

Q Okay. And you also said that other people had different roles and responsibilities of who they were getting in contact with. Can you just tell us generally what was [REDACTED] role as the RSO? What was he primarily doing?

A [REDACTED] was in contact with [REDACTED], monitoring the situation in Benghazi as [REDACTED] was reporting it back to him. [REDACTED] was also in contact with DS command center back in Washington. And providing guidance to [REDACTED] in Tripoli with respect to assuring the protection of our facility there.

Q Okay. And when you say [REDACTED], were you talking [REDACTED] [REDACTED]?

A [REDACTED] the principal RSO in Benghazi.

Q And he was in the TOC, Tactical Operations Center in Benghazi?

A That's what I was told, yes.

Q And so he was reporting in real-time firsthand information to you all from the attack?

A Exactly. Based on what he was seeing out his windows and from the video feeds that were staying operational.

Q At any time during the attack, did the chief of station come to your Tactical Operations Center?

A No.

Q So you maintained telephone contact with him throughout the evening?

A Yes.

Q Okay. At some point did you and others go to the chief of station's operations center?

A Yes, we evacuated our facility, beginning at 5:00 a.m.

Q We are joined by Congressman Westmoreland, Mr. Hicks and his attorney Victoria Toensing.

[Discussion off the record.]

BY MS. JACKSON:

Q As I turn it over to Ms. Clarke to go back to the timeline, the very first entry I see is DOD contacted AFRICOM, divert ISR asset to overfly consular location. Can you tell us what that means?

A That means that we had a drone flying over Libya that night. I believe the mission was over the Libyan Egyptian border area and may have been also over Derna. I'm not exactly sure. And so I think this is the DAT calling who had responsibility for such activities, calling back to AFRICOM to move that drone over Benghazi.

Q I'll turn it back over to Ms. Clarke.

A And that was pretty high level classification.

BY MS. CLARKE:

Q Mr. Hicks, I want to return last we talked we were looking at Exhibit 3, and I want to return to that.

A Okay.

Q I have a couple of questions and then I'm actually going to show you another exhibit, exhibit 4, and have you take a look at that and then we'll read the two in conjunction.

A Okay.

Q So we left off on the second page and I think we left off right after the entry about your receipt of a text from the British. I wanted to step back to the entry at 22:25 and it's [REDACTED] And I guess this is referencing the individual you referred to several times today. Is that correct?

A Yes.

Q Notified Benina airbase, reposition UAV, requested possible logistics support aircraft work extraction. And Benina airbase is located in Benghazi. Correct?

A Yes.

Q Okay. And when he was requesting, do you know when he was requesting the aircraft or extraction who would have owned that aircraft, would that have been a Libyan military-owned aircraft or do you know who he was talking to and who that request was made to?

A So he'd notified Benina air base is the Libyan air

operations center, Libyan air force operations center.

Q Okay.

A So he notified them that we're changing the track of the drone from what had been previously planned.

Q Okay. And then you've got also it indicates request possible logistic support, aircraft for extraction. Would that aircraft are been owned by a Libyan Air Force to your knowledge?

A He's talking to the Libyans so it would seem to be that he's talking to them about possibly their providing their C-130 for our benefit.

Q Did the Libyan air force have a C-130 stationed in Benghazi to your knowledge?

A I'm not aware of them having a C-130 in Benghazi. My understanding was that C-130 was at Murtagh.

Q So what I'd like to do now is pass out an exhibit, we will mark it as exhibit 4.

[Hicks Exhibit No. 4

Was marked for identification.]

Ms. Clarke. And it is an email chain. I think you're on it, but you probably did not have an opportunity to review it in real-time given you were in the TOC. But if you'll take a moment to read it, we'll walk through that in conjunction with this timeline.

Ms. Jackson. And we can go off the record for a couple of minutes.

[Recess.]

[2:05 p.m.]

Ms. Clarke. We can go back on the record. And just for the record, we've been joined by Mr. Jordan.

So I've marked as exhibit 4, the doc ID number is SCB0058012, and it's a series of emails that begin on September 11th and end on September 12th.

[Hicks Exhibit No. 4

Was marked for identification.]

BY MS. CLARKE:

Q And you are a recipient of these emails, but do you recall seeing these emails prior to today?

A No.

Q And so what we have been discussing was, looking at exhibit 3, we walked through some of the contacts and calls that were made within Libya to the Libyan Government and then also contacts you had with other U.S. Government individuals in Libya. And so now I want to transition to kind of your contacts with individuals in D.C., primarily at the State Department.

So if you look at exhibit 3, at 22:27 there is an entry, "DCM: RSOs are trying to get to the building." And then the last part of that entry says: "I understand the Secretary is on the line."

And is your recollection, would that have been Under Secretary Beth Jones that you're referring to -- I'm sorry Assistant Secretary Beth Jones?

A Sorry. Which one were you looking at?

Q On exhibit 3, the timeline at entry 22:27.

A No, that's incorrect.

Q What is incorrect?

A The record here on exhibit 3 is incorrect. The secretary was not on the line at 22:27.

Q Right. And my question was, was that potentially referring to --

A Beth Jones.

Q -- Assistant Secretary Beth Jones?

A Yeah.

Q So when we look at exhibit 4 -- and that time stamp, this is Libya time, which is about 10:27 p.m.

A Sorry. We're disorganized.

Q That's okay. So the time stamp is 22:27, which is 10:27 p.m. Libya time.

A Right.

Q Which would be around 4:27 p.m. D.C. time, correct?

A Yes.

Q Okay. So if we look at exhibit 4, the first entry is around 4:49 p.m.?

A Uh-huh, yes.

Q "Libya update from Beth Jones." And it records a call -- records her discussion with you about what was happening at the time.

So I just wanted to ask you about -- it says, quote, "Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libya militia (we now know this is the 17th Feb Brigade as requested by embassy office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers."

And the QRF, is that referring to the individuals from the Annex?

A Yes.

Q And up until this point, had you had any other contact with any individuals from the State Department?

A Yes.

Q Okay. And can you just walk us through the individuals. I think previously in an earlier hour you mentioned that you talked to the Op Center, but at some point you began speaking directly with Beth Jones. Can you walk us through your recollection?

A I think on the second call they dropped in Beth Jones.

Q Okay.

A And thereafter it was either Beth and/or Liz Dibble on the line.

Q Okay. And when you had discussions with them, were you relaying to them essentially all of the information that was contained in the timeline?

A I was relaying to them the situation. I was giving them a SITREP based on the information that I was getting from [REDACTED] from [REDACTED] --

Q And by [REDACTED], you mean [REDACTED]?

A From [REDACTED], from [REDACTED], and from the chief of station.

Q Okay. And during your discussions with them, did they indicate to you any assets or resources that the State Department in Washington, D.C., was trying to gather in response to this, the attack in Benghazi?

A Not that I recall. Most of the time the communication was one way with questions coming at me to clarify information which I had provided to them.

Q Okay. All right. So it further indicates, "Greg spoke with Ambassador Stevens by phone 20 minutes before my call, which was about 10 minutes ago. Greg will talk to the Prime Minister's chief of staff and then speak with the foreign minister."

At this time, do you recall whether you had already made contact with the Prime Minister and the foreign minister?

A I had spoken with the chief of staff of the President, chief of staff of the Prime Minister, and with the director of the Americas desk. So I think maybe this is an overstatement, but again, people are moving fast and time was ticking.

Q Okay. All right. So turning back to the phone call -- I'm sorry, to the timeline -- it think it illustrates after -- at 22:29 there are several entries that indicate DCM, and these are your -- there is one that says, "Just as you called, I was calling" the minister of -- MFA, which does that mean minister of foreign affairs?

A Yes, Ministry of Foreign Affairs.

Q Ministry of Foreign Affairs, Okay.

And then there's another call -- two additional appears to be calls based on the information and the readout of those calls, which align with what you -- your discussion with Beth Jones. So following on, I want to ask you about the entry at 22:35.

A Okay.

Q And the entry is POL [REDACTED]) --

A Uh-huh.

Q -- which is [REDACTED], indicated he had talked to the "head of U.N. Security people, and he's been on the phone with (blank) head of the SSC. He said they're in the process of responding."

Can you talk to us a little bit more about the SSC's response that night?

A The SSC was a Libyan militia and/or grouping of militias who worked for the Interior Ministry, if I recall correctly.

Q And did they in fact respond, do you recall whether they actually responded that night?

A I don't recall that they did, but --

Q Okay.

A In fact, I'm reporting that the 17th Brigade is coming to our assistance when in fact it may very well have been coming to join the attackers, so --

Q But that was your understanding at the time, that they were --

A That was my understanding at the time, but I just -- it's

important to keep --

Ms. Toensing. Which way was your understanding at the time?

Mr. Hicks. At the time, that they were coming to help us.

BY MS. CLARKE:

Q All right. So back to exhibit 4. The next entry -- and it appears that these entries are between 25 and 30 minutes apart and they, again, are relaying your conversations with Beth Jones.

So it says, the 5:13 p.m. entry says, "Just spoke again with Greg Hicks who confirmed the party includes Ambassador Stevens plus three, not plus four. Hicks has been in contact twice with the Libyan President's office and twice with the Libyan Prime Minister's office; their offices assured him they are fully engaged and consider themselves personal friends of Ambassador Stevens."

Can you describe for us any more information about what the Libyan President's office and the Prime Minister's office meant by "they're fully engaged"? What were they trying to do?

A Well, they were telling us they were fully engaged. What were they trying to do? They gave us no specifics.

Q Okay. And were there any specifics asked of them?

A Were there specifics? Yes. We asked them to send in the military and send in the police and save our people.

Q Okay. And during your conversations -- in any case, you talked to them twice. Did they indicate to you, yes, now we have deployed our military or now we have sent in the police or anything to that effect?

A No, they said they were engaged.

Q And that is the extent of their response to you?

A Yes.

Q Okay. Thank you.

Continuing now, it says, "Hicks has been coordinating with the chief of station, who has learned from the QRF about the status of the compound -- currently they are clearing the compound and working to access the party."

And again, we briefly touched on this before about the QRF response, the Quick Response Force, which is from the CIA Annex, going to the Special Mission Compound and assisting the individuals there.

A Right.

Q During the course of the night, once the individuals -- once the State Department personnel were transported back to the Annex, can you describe for us what your understanding in that moment in time of the situation was? Did you understand the attack to be over? What was kind of Tripoli's view of what was happening in Benghazi at that time?

A Our view was that the evacuees from our facility were now safer than they were before.

Mr. Westmoreland. Can I just ask for a clarification just real quick?

Mr. Hicks. Sure.

Mr. Westmoreland. The QRF that's mentioned at 21:59, it says -- this is the RSO -- he says, "The QRF building is on fire." That

is the building that was in the compound, correct?

Ms. Clarke. That's correct.

Mr. Hicks. Sorry, 21 -- no, this is -- yes, this is the building --

Mr. Westmoreland. As you in the gates to the right --

Mr. Hicks. When you go in the gates, there's a building just to the right --

Mr. Westmoreland. Right.

Mr. Hicks. -- from the maps that I have seen.

Mr. Westmoreland. Yes.

Mr. Hicks. And that was the building where the three armed guards --

Mr. Westmoreland. Unarmed, right?

Mr. Hicks. No, armed.

Mr. Westmoreland. They were armed?

Mr. Hicks. Yeah. These are the 17th February Brigade militia personnel who are inside the compound who were supposed to provide the auxiliary armed security for us. And so they were taking fire, and that building was lit on fire as well. In fact, grenades were thrown into it, if I recall correctly from the --

Mr. Westmoreland. Yeah. But on the -- then at 22:15, the QRF is referring to the contractors from the Annex.

Mr. Hicks. Yes.

Mr. Westmoreland. So the QRF is actually two different groups, and one in one and one in the other.

Mr. Hicks. Yes. That's an important distinction. Thank you, sir.

BY MS. CLARKE:

Q So you just said that in your view or in the view of the people in Tripoli that the State Department personnel that had moved from the Special Mission Compound to the Annex were safer than they were before.

Can you describe -- what do you mean by "they were safer"? Was there a sense that the events of the night were concluded or did that mean that the compound that they now moved to was better fortified?

A Well, it was better fortified and you had more people with guns and more people who knew how to use guns in that facility than in our facility. There were approximate -- there were ■ Americans -- yeah, ■ Americans assigned to that facility, all of whom -- all of whom were qualified -- were fully qualified with standard military small arms.

So our people are safer because it's a better place -- it's a stronger position to be in, but they are still not necessarily safe. Remember that there were upwards of 60 intruders in our compound at one point in time during the -- and even more in the second wave that went in to loot the facility after our people were chased out.

So we're not in any way certain that our people are out of the woods yet. We don't know that any of the people who attacked our compound didn't follow our people to the base. We don't know to what extent the knowledge of the base and its location is spread throughout

the militia community in Benghazi. And so, yes, they are safer, but they are not safe.

Q Was that sense conveyed to people at the State Department in Washington, D.C., that the --

A Well, I think later on in the evening I report to -- I recall reporting to Washington that the base is under fire, was taking small arms and rocket fire, and we -- and that fire persisted for an hour-and-a-half.

BY MS. JACKSON:

Q And this is before the mortar attack?

A And I believe that --

Q Is that correct?

A -- and I am relatively confident that the chief of station was reporting through his channels that his people were under fire during that period as well.

Q And was this the period of time when they first arrived at the Annex?

A Yes. They began talking fire shortly after arrival. They thought they were safe, and then probing attacks begin, and they have to go back up to their firing positions and respond to fire, respond to that attack, and they drive them off.

Q And as the Diplomatic Security agents travel from the compound to the Annex, do they take fire that entire way?

A They take heavy fire. They are ambushed. And it's actually rather miraculous that they survived the hits that they took.

It's a tribute to our vehicle design that they did.

Ms. Clarke. And we've received testimony from other agencies, from the Defense Department and from other witnesses, that at least in some aspects in D.C. that the understanding at the time was that once the individuals from the Special Mission Compound moved to the Annex, that they were -- that the attack was over. And so my questions are intended to elicit from you an understanding of your view of what was happening and how that was relayed to D.C.

Mr. Hicks. Again, my understanding is, you know, as I think I testified previously, that there were three discernible phases to the attack. The first phase is the attack on our facility. The second phase is the probing attack on the Annex. The third phase is the search for Ambassador Stevens. And the fourth phase is the mortar attack on the Annex. And so that was how we saw things that night.

Now, again, once -- you know, again, we have this problem of dual facilities, which is brought home to bear during this night. Once the five people from -- the five survivors are evacuated to the chief of base's facility, he is falling under the chief of base and the chief of station's authority even though I'm -- and their responsibility in terms of security.

Titularly, I may be chief of mission or acting chief of mission at that time, but because of the separate facilities the CIA is responsible for the security of its own facility. And so naturally we are going to defer to the base -- to the chief of base and the chief of station with respect to what is happening at their facility.

Again --

Ms. Toensing. I think there's a nuance, though, to that question of, did you at any time feel that it was all over, it was safe?

Mr. Hicks. No. No, I did not.

BY MS. CLARKE:

Q And you conveyed that through your channels to the State Department, correct?

A What I did was I reported what was transpiring on the ground in Benghazi as it occurred, to the best of my ability. You know, there was never a point that anyone ask me, "Greg, is it over? Is everyone safe?"

No one asked that. They said: What's going on? What are you doing? What are our people in Benghazi doing? What is Team Tripoli doing?

So what this is -- so there was no definitive: Is this over? From our position -- from my perspective, it never ended until the last person in Benghazi got on an airplane, got on the LAF C-130, Libyan Air Force C-130, and took off from Benghazi. It didn't end until that point.

Q Thank you.

A I'm sorry if that --

Q No, I think that's very helpful. I appreciate your response.

So I wanted to continue with the timeline. So you had a couple of other conversations with Beth Jones. Returning back to the

timeline, if we look at entry number 23:04, and this is on the third page.

Ms. Toensing. Of which exhibit?

Ms. Clarke. I'm sorry, exhibit 3.

BY MS. CLARKE:

Q So it's the second-to-last entry.

A Yes.

Q It's [REDACTED] again, who we referred to.

A Uh-huh.

Q And it says, "Talked to Benina airfield. They have made available a fixed-wing aircraft and are prepared upon request to extract the Ambassador if requested."

What do you recall about that -- did you have a conversation with him about this particular offer by Benina airfield, and what was the decision that was made?

A Okay. Again, I think this is a reference to the Libyan C-130.

Q Okay.

A The Libyan C-130, at this time, is not at Benina. It's at Matiga. And the question is, you know, what else is going to do -- what else are we going to do? An airplane flying from Matiga to Benina still doesn't get the Ambassador out of a burning building and doesn't stop an attack that is going on. So it's a very nice offer, but the utility of that offer is not very great at this point in time.

Q I think you have previously testified that the chief of

station had at this point contracted an aircraft to carry a team from Tripoli to Benghazi --

A Yes.

Q -- to help find the Ambassador, correct?

A Yes.

Ms. Clarke. I see I have about 10 minutes remaining in my time, and I believe Mr. Jordan has some questions that he would like to ask, so I'll defer to him.

Mr. Jordan. Great. Thanks for the witness. We really do appreciate you coming in. I appreciate all your service to the country. I want to go back to some stuff you covered earlier.

The phone call that you got -- well, let me just be clear. I want to be sure I understand it.

You had one text message with the Ambassador the day of the attack when you had text him and said: Cairo is having some protests. I think you said his response was, "really?" Like he didn't know about it and was surprised.

Mr. Hicks. Yeah.

Mr. Jordan. And then you had the phone call from the Ambassador when he says: We're under attack.

Mr. Hicks. Right.

Mr. Jordan. Were there any other calls or text messages that day between you and the Ambassador?

Mr. Hicks. Not that I recall.

Mr. Jordan. And just so I'm sure I'm remembering all this right,

in that phone call you got from the Ambassador, did he say anything else -- anything else conveyed in that phone call that night when he said: We're under attack.

Mr. Hicks. No, that was it. The line was cut.

Mr. Jordan. That's what I thought, I think I remember, when you had testified before.

Did the Ambassador have the ability to call directly to -- I mean, on his cell phone, because it's when he's, I think, under attack -- to call directly to Secretary Clinton or other folks, do you know if he had that ability with his cell phone to call directly to State and maybe their cell phones or --

Mr. Hicks. I don't believe he had his cell phone with him in the safe room.

Mr. Jordan. He's borrowing --

Mr. Hicks. He was borrowing --

Mr. Jordan. Okay.

Mr. Hicks. -- the ARSO's phone because that's the number that we conversed on. And I think that, you know, he could -- you know, we all know the ops number, so he could have dialed the ops number --

Mr. Jordan. Got it.

Mr. Hicks. -- and gotten them, but I don't know whether he did or did not.

Mr. Jordan. Okay. I'm going to change a little bit. So that night when all this is happening, the defense attache is working side by side with you?

Mr. Hicks. Yes.

Mr. Jordan. Okay. And what communications did you get or he get -- I don't know if it's a male or female -- but that defense attache and you, what communications did you get that night, or did the attache get that night, from the military saying what assets were coming and when were they going to get there?

Mr. Hicks. Very early in the process I asked him to contact AFRICOM and ask the question, what are you -- what's -- what's coming, what are you sending? And the answer back was, you know, we might -- we might have some F-16s at Aviano. It's going to take 2 to 3 hours to get there, to get them ready to fly, but we have no tankers.

Mr. Jordan. Okay.

Mr. Hicks. So my interpretation of that was we're on our own.

Mr. Jordan. Were there any other conversations, any other communications between you or your attache with the military?

Mr. Hicks. Later we were talking about the FAST platoon and the C-17 coming in, but that's between --

Mr. Jordan. "We" meaning you and the attache were talking or --

Mr. Hicks. The attache was talking to them.

Mr. Jordan. Talking with AFRICOM?

Mr. Hicks. Yes.

Mr. Jordan. Okay. So you've had at least a couple of conversations with -- from your station, your mission to AFRICOM. So were there any more than those two with AFRICOM?

Mr. Hicks. I don't recall. I never talked to AFRICOM.

Mr. Jordan. Okay. But your attache did?

Mr. Hicks. I think our attache was talking to them. He was keeping them alerted, giving them SITREPs of what was going on in Benghazi.

Mr. Jordan. So ongoing conversations?

Mr. Hicks. Right.

Mr. Jordan. Okay. And did you know if your attache talked with anyone here in the United States, here in Washington?

Mr. Hicks. I asked them to make sure the Joint Staff was also kept up to -- kept up to speed. So AFRICOM -- AFRICOM and Joint Staff.

Mr. Jordan. All right.

Mr. Hicks. And the Libyans.

Mr. Jordan. And you said earlier that early on it was we have some F-16s, but they're going to have to get a tanker in and they're going to have to be refueled and it's going to take a few hours before that all. Any other assets that were talked about?

Mr. Hicks. No. Those are the only assets that were mentioned to us.

Mr. Jordan. At any point in the night, did they say something else was -- no other communication to say, "Hey, there may be this FAST platoon," anything else coming?

Mr. Hicks. The only thing that we heard was later in the night that a FAST platoon was coming from Rota and that a C-17 was flying down from Frankfurt with medical personnel and to evac extra people.

Mr. Jordan. Okay. Okay. All right. Thank you.

BY MR. DAVIS:

Q You said throughout the night you were contacting the chief of station. Is that right?

A Yes.

Q And at some point the Embassy evacuated over to where the chief of station is located?

A Yes.

Q And approximately what time was that?

A 5 a.m.

Q When did you first hear about the mortar attacks?

A I was in the car on the way to the chief of station position.

Q And how did you hear about them?

A Chief of station called me.

Q And how did that conversation go?

A Chief of station called me and said there are mortars coming down, the building has been hit three times, we've taken casualties, and if we get -- if the building is struck one more time, the roof's caving in and we're all goners.

Q So that sound like a dire situation?

A It was a terribly dire situation.

Q Did you have any further conversations about the mortar attacks with chief of station?

A When I got to chief of station, you know, he gave me a more complete brief, and the DAT was there along with Colonel [REDACTED]

Q Can you describe how that brief went, what he shared with

you?

A It was pretty emotional, I think, if I recall, although the chief of station is a veteran. But still having his people hit by mortars was pretty shocking.

Q Was there a plan for evacuating those individuals from the Benghazi base?

A Well, we were -- that's what we were beginning to do, was how do we get these people safely out of Benghazi. It was clear to us that at that point in time that we could no longer stay -- have anyone stay in Benghazi. It was unclear up until that point whether we were going to evacuate entirely from Benghazi.

Q And what were some of the options discussed as to how to get the people out?

A Well, we had the contract airplane there, and we also had finally confirmed the availability of the LAF C-130. And so we were going to -- we knew that we didn't have enough seats on the contract airplane to carry everyone back, so we knew the C-130 had to go. And so we were putting personnel together -- began putting personnel together to go on the C-130 to Benghazi to help bring everyone else back.

Q Was there anything else discussed other than the contract airplane and the C-130 that you can recall?

A No, no other --

Q Did the chief of station mention anything about a helicopter?

A No, he never did.

Q Are you familiar with a helicopter that might have been available?

A I am not.

Q The information about the mortar attack, did you pass that along to Washington?

A I did.

Q Who did you pass that along to?

A The op center.

Q In terms of other assets available to the U.S. Government, not necessarily the military but the U.S. Government, were you aware of any other assets around -- in the Libya area?

A I was not.

Mr. Davis. Okay. Thanks.

Mr. Jordan. So I just want to be clear. When the defense attache is giving these updates, is that individual, is it constantly an open line with AFRICOM or is it call, hang up, and then --

Mr. Hicks. Call, hang up.

Mr. Jordan. Call, hang up. So when the mortar attacks happened, did that defense attache get back on the phone and say: Look, now, it's elevated. It's no longer --

Mr. Hicks. He called --

Mr. Jordan. -- just whatever help -- you know, it's even worse than we thought.

Mr. Hicks. Yeah, he called them.

Mr. Jordan. He called them right away?

Mr. Hicks. Yeah.

Mr. Jordan. And to your recollection, no talk then of any other assets or anything, still the same, same answer, we're working on it, or whatever it was?

Mr. Hicks. I think it was thank you very much for the update.

Mr. Jordan. Okay. Thanks.

Mr. Westmoreland. Do you know if the attache contacted anybody other than AFRICOM, CENTCOM, Special --

Mr. Hicks. No.

Mr. Westmoreland. SOCOM.

Mr. Hicks. No.

Mr. Westmoreland. Just AFRICOM.

Mr. Hicks. Would have been -- he would have been talking to AFRICOM, and Colonel [REDACTED] was talking to SOCAFRICA, and then DAT was also talking to Joint Staff here in Washington.

No, we wouldn't go to CENTCOM. CENTCOM's outside our --

Mr. Westmoreland. I understand. But you didn't contact any of the special operators -- or he didn't.

Mr. Hicks. He didn't. Colonel [REDACTED] was in touch with SOCAFRICA, and our [REDACTED] personnel had voluntarily gone to Benghazi. So that communication channel went to Benghazi with them.

BY MS. CLARKE:

Q Throughout the night you were in contact with Beth Jones. Were you aware that a SVTC between the State Department, DOD, and the White House took place around 7:30 D.C. time?

A No.

Q So in your calls with her did you ever discuss with her any decisions that were made about the types of assets that might be deployed? This is prior to the mortar attacks.

A No. Again, I did not talk with her about assets that might or might not be available.

Q And she never said to you, "We've had this discussion, the decision is to deploy these assets"?

A No. I mean, there was a point where I was -- and I think it's in the phone call with the Secretary, where they reviewed the FAST platoon is coming in and the C-17 is coming in. But otherwise I don't recall Beth Jones talking ever about military assets being -- or other assets being made available.

Q And so, to your recollection, a discussion about what assets were coming in was made -- was had during your phone call with Secretary Clinton?

A Yes, that's my recollection.

Q And do you recall about what time that phone call occurred?

A I think it was around 0200 my time.

Ms. Clarke. We are at our hour, so at this moment we'll go off the record. Thank you very much.

Mr. Hicks. Okay. Thanks.

[Recess.]

Ms. Jackson. We'll go back on the record.

Mr. Hicks, before we took our break we were talking a little bit about your conversation that you had with the Secretary at approximately 2 a.m. Libya time, and you made some reference that she talked to you about deployment of a FAST platoon or FAST troops. And can you elaborate on that and tell us what you understood was coming to Libya, and in particular, was it coming to Tripoli, was it coming to Benghazi? What was relayed to you?

Ms. Toensing. Could you just clarify that, because when you said the Secretary, did you mean Secretary Clinton?

Mr. Hicks. The Secretary, yeah, that's Hillary Clinton.

BY MS. JACKSON:

Q Okay. Was it a conversation with Secretary Clinton?

A Yes.

Q Okay. And what did you learn in that conversation?

A I learned that they had allocated two FAST platoons at that point in time, one for Tripoli, one for Benghazi, and that a C-17 was flying to Tripoli to -- with medical personnel to assist with any injured American personnel and then to evacuate excess personnel from post.

Q And that aircraft was coming from Germany. Is that correct?

A Yes, that aircraft was coming from Frankfurt.

Q Was there any discussion about other military assets that might be deployed, such as a CIF or --

A No.

Q -- [REDACTED] ?

A Neither were ever mentioned.

Q At any time that evening or in the early hours of the 12th were you told that the FAST platoons were going to be scaled back in any way?

A At least in my recollection, one FAST platoon was not going to come after we determined that Benghazi should be evacuated in its entirety.

Q So at the time the decision was made to evacuate everyone from Benghazi it's your understanding that it was that point in time that the FAST -- one of the FAST platoons was called back or stopped.

A Rerouted or whatever.

Q Okay. At some point in the night of the 11th you received information that a group called Ansar al-Sharia was claiming responsibility for the Benghazi attacks. Is that correct?

A Yes.

Q And how did that information come to you?

A It came from one of our local staff who was monitoring social media for us off site. He called it in to our assistant public affairs officer who verified the posts and then reported to me that Ansar al-Sharia was claiming responsibility for the attack.

Q And at that time, what was your understanding of who or what

was Ansar al-Sharia?

A Ansar al-Sharia was a militia with known Al Qaeda ties and one which we had been particularly worried about in Benghazi.

Q Were they operating in and around the Benghazi area?

A Yes.

Q Were they actually operating in Benghazi?

A Yes.

Q Okay.

A They had a base in Benghazi. They had actually taken up various responsibilities in neighborhoods, including the guarding of a major hospital in the city.

Q Okay. And when you received that information, did you call it in to the State op center to transmit that information?

A The first thing I did was I called the Libyan Government and advised them that Ansar al-Sharia was claiming responsibility and asking them to take appropriate legal action against Ansar al-Sharia.

Ms. Toensing. But you didn't answer the question whether you told the State Department.

Mr. Hicks. After I called it in to the Libyan Government, then I called in to the State Department. I reported the claim, and I reported that I had demarched the Libyans to deal with Ansar al-Sharia appropriately.

BY MS. JACKSON:

Q Okay. Was there anything about their claim of responsibility that was a surprise to you?

A No.

Q Do you recall approximately what time --

A Sometime after midnight, I think.

Q Okay.

A Around midnight.

Q Okay. And why didn't it surprise you that Ansar al-Sharia would be claiming responsibility?

A Well, from the very outset of the attack, we concluded that this was a terrorist action and that based on the description of the attackers we received over the phone call -- over the phone. And for an Al Qaeda affiliate to then claim responsibility in a couple of hours after the attack had commenced made complete sense to us.

Q Was there any type of retraction of that claim of responsibility?

A I've been told there was, you know, later on. I don't know the timeframe for that retraction.

Q Did you ever see it?

A No.

Q Don't know what exactly it said?

A I have no idea what it said. I never believed the -- I believed completely that the claim of responsibility was accurate, and I believed the retraction was a political act of a group seeking to cover its tracks.

Q Based on the intelligence that you were privy to prior to the attacks and -- let's just stay with prior to the attacks -- did

their claim of responsibility fall in line with the intelligence that you had received?

A Yes, it did.

Q And why did you draw that conclusion?

A Well, they were one of the prime actors in Benghazi in the Libya-on-Libya violence, and so that they had organized this attack on us, again, fell into a logical pattern of what had been going on beforehand.

Q Did you receive any intelligence after the attacks that further supported their claim of responsibility?

A Yes.

Q And can you describe that for us, please?

A We had reporting coming in through the agency, and also, once we began -- once the FBI began interviewing survivors of the attacks, and it became clear that Ansar al-Sharia had been a motivating factor behind the attack.

Q On the night of the attack or the early morning hours of the 12th, did you participate in any secure video teleconference with officials from Washington?

A Is it DVC? There was a secure video conference Deputies meeting on the 12th in the -- sometime around maybe 11 a.m., something like that.

Q Is that Libya time?

A Yeah. It was either -- it was in the middle of -- it was in the middle of the day before the Secretary -- video conference with

the Secretary, which I remember was at 2:30, and before I went to the hospital, which was right after the video conference with the Secretary.

Q That just reminded me of another question. When personnel had been evacuated from Benghazi, did you go and personally talk with them?

A I welcomed them back. I spoke to many of them as they came in. I did not personally interview them because I think I went to this video conference.

Q Okay.

A And so never had -- never really had the chance to speak with them, although I know John Martinec did have an extensive conversation with them, as well as other folks.

Q Including [REDACTED]?

A I think [REDACTED] may have talked to them before -- no. Well, I sent [REDACTED] to the hospital at some point to coordinate there before I went there.

Q Okay. So he was with them at the hospital?

A But he was able to talk to several of the survivors.

Q Okay. Did [REDACTED] or [REDACTED] ever then relate to you what they had learned in maybe greater detail --

A Yes.

Q -- about the attacks?

A Yes, they did.

Q Okay. And what additional information did you learn, just

generally?

A Generally, the attack was by people who we would generally describe as terrorists, people in thick beards, heavily armed, yelling "Allahu Akbar," and setting fire to facilities, and et cetera.

Q Okay. And this is information then that you received on the 12th?

A Yes.

Q Okay. You described that you participated in a secure video conference on the 12th. Can you tell us what that was about?

A We were talking about an update of the situation, so were all our people safe, what was going on. I think at that time we were able to report that all of the -- that the contract aircraft had returned with the wounded and with many of our other personnel. And then we had -- and that their LAF C-130 was on its way back with the bodies of our fallen and the remainder of our personnel. And we talked about next steps.

Q From Tripoli, who participated in this?

A Myself and the chief of station.

Q Did you, with or without the chief of station, participate in any SVTCs?

A We had a SVTC with Secretary Clinton with all Embassy personnel in which she expressed her condolences for our loss and expressed her thanks for our efforts that night.

Q Was there any discussion about the events, any --

A No.

Q -- description of what happened?

A No.

Q Okay.

A There was --

Ms. Toensing. Excuse me just a second.

[Discussion off the record.]

BY MS. JACKSON:

Q In the first secure video conference that you had that the chief of station was with you, did you or he provide a recitation or recounting of the events as you knew them?

A I don't recall actively that one.

Q Do you recall any questions regarding the sequencing of events or the events that occurred?

A We may have run through it. That secure video conference is much more of a blur than the one on the 13th. I think -- I do know that we spoke more in the video conference on the 12th than on the 13th.

Q You spoke more on the one on the 12th than the one on the 13th?

A Yes.

Q Just in general, you participated more?

A Yes.

Q Okay. Do you recall who were the other participants on the SVTC or at least the other agencies that were represented on the SVTC?

A DOD -- it was NSC, DOD, CIA, FBI, State.

Q Had you or [REDACTED] or, to your knowledge, the chief

of station prepared any more formal reports as to what happened that were sent in?

A No. No. We were still on the hop.

Q Okay. You've described or mentioned that there was another SVTC on the 13th. Is that correct?

A Yes.

Q Okay. Can you describe for us what happened during that SVTC?

A During that SVTC, we started off with an update of our situation, reviewing the evacuation that would take place, going over numbers, commenting on morale. Then we turned over the discussion to the participants. In that discussion then, again, talking about the events of that night, and Mike Morell who was representing CIA in that conference began citing some reports about a demonstration taking place in Benghazi that night.

And this, of course, sent me up a little bit, and you know, we were muted, and I turned to the chief of station and I say: Where did that come from? And he said: I don't know. It didn't come from me.

And so the conversation continues about a demonstration leading to the attack. And we are talking amongst ourselves off mic going: Well, what are we going to do about this? There was no demonstration. How do we deal with this? And he kept -- basically kept saying: Greg, don't intervene yourself on this call. Don't get involved in this now. This is an intel issue. I'll take care of this.

Mr. Westmoreland. Can I ask one?

Ms. Jackson. Yes.

Mr. Westmoreland. Did Mr. Morell tell you that that reporting that he was going from or getting his conclusion from was open source reporting?

Mr. Hicks. I'm not sure he characterized it.

Mr. Westmoreland. So he never said where that reporting came from.

Mr. Hicks. That's right. I don't recall specifically him characterizing the reporting. He just said there was some reporting of. And so he was, again, not characterizing it, but basically saying there's reporting about a demonstration, and we're looking into it.

Mr. Westmoreland. But you'd never gotten any of those reports?

Mr. Hicks. No, there was no reporting from anyone at either the special mission facility or the base about any demonstrations at Benghazi.

Mr. Westmoreland. How about the gentleman that was scanning the social media that reported to you --

Mr. Hicks. He never -- no.

Mr. Westmoreland. -- about how --

Mr. Hicks. In fact, I recall I had a phone call with [REDACTED] and [REDACTED] on the afternoon of the 11th, and, you know, one of the questions was: What's going on in Benghazi and Tripoli? And I said: Well, it's all quiet in Benghazi because Chris hasn't reported in anything, and it's been all quiet here.

Mr. Westmoreland. So there was never any report from anybody in

Tripoli that had heard that it was the video. Is that true? Or at least from what you know.

Mr. Hicks. There was no report about a demonstration. And our assessment of the video, based on our public affairs section analysis of the news and social media in Tripoli, was that the video in Libya was a nonevent.

Mr. Westmoreland. Can I ask?

Ms. Jackson. Uh-huh.

Mr. Westmoreland. Did Mr. Morell ever ask for any information from your political affairs officer or anybody that you know of that was stationed in Tripoli? Did he ever call and inquire? So he never inquired, and the chief of station --

Mr. Hicks. The reverse actually happened, sir. I mean, after this -- after this video conference, I had a phone call with Beth Jones, and I specifically told her that no one from U.S. Mission Libya reported a demonstration from Benghazi on September 11th, and her response was: We know.

Mr. Westmoreland. Thank you.

BY MS. JACKSON:

Q During this video conference when Mr. Morell was bringing up that the intelligence was showing that there had been a demonstration prior to the attack, did the chief of station interject during the SVTC?

A No. He said he was going to take care of it through his channels, and ultimately he did address the issue through his channels.

Q And what did he tell you about how he addressed the issues through his channels?

A He told me that he sent the message in to CIA headquarters saying there was no demonstration.

Q Did he tell you about any other actions that he had? Did he have a conversation with Mr. Morell, for example?

A I did not hear that he had a conversation with Morell, although he did say that, you know, at one point he had been told that he had to prove that there was no demonstration.

Q He had to prove the negative?

A Yes.

Q Okay. And do you recall approximately when he told you that?

A That was during this conversation while the SVTC was going on. He had already had a prior conversation with CIA headquarters that there was no demonstration, and they had told him that, well, you have to prove that there was no demonstration.

Q Okay. So even prior to the SVTC, he had learned through -- presumably learned through CIA channels that the analysts were saying there was a demonstration ahead of time, and he had already attempted to correct that?

A Yes.

Q Okay. And his information was based on learning of firsthand accounts?

A Correct. I mean, he had a better chance to debrief people

coming home from Benghazi, coming back to Tripoli from Benghazi than I had, and he talked to all of his folks. You know, I was -- like I said, I had to go. I had the SVTC, I had the SVTC with the Secretary, and I had to run to the hospital to, you know, get between Libyan police and our wounded that they wanted to interview. You saw that in the record here. And I had to manage the photographing of our fallen for their police investigation and then get their people out of -- get all of our people out of the hospital.

So while we're doing their investigation, our wounded are being moved to the airport. Then once we get them out of the room, we get our people, our fallen, prepared to go to the airport, and they're taken to the airport. And then I have to run to see the deputy prime minister to get permission for the FAST platoon to land.

And so, you know, I'm -- sorry. I just want you to understand that I am nonstop. I think I did sit down for maybe -- I was able to get some lunch, and I may have sat down for 10 minutes to catch some sleep, a little bit of sleep, because I'd been up from 6 a.m. the previous day, and, frankly, I didn't go to bed until 2 a.m. on the 13th.

So I did not have time to talk to any of the people from Benghazi, but I know the chief of station did, I know [REDACTED] did, I know [REDACTED] did, and we knew from them that there was no demonstration, and I knew from the fact that Chris did not report a demonstration that there was no demonstration.

I'm sorry, sir.

Mr. Westmoreland. No, that's okay. No, look, because we've

interviewed Mr. Morell, and, you know, he gave an explanation of why, you know, he did what he did.

But your -- from what I'm hearing you say, and I'm not trying to put words in your mouth, but Mr. Morell did not get this information from any CIA person in Tripoli, and at the time of the attack there was no CIA personnel at the compound.

Mr. Hicks. At special mission, that's correct.

Mr. Westmoreland. That's correct, right? The only CIA personnel that were there would have been at the Annex.

Mr. Hicks. Yes.

BY MS. JACKSON:

Q But that is where the Diplomatic Security agents went, evacuated to initially, was --

A Yes.

Q -- to the base.

A Yes.

Q Okay. And they were debriefed there. Is that correct?

A So far as I know they were, yes.

Q Okay. As to the --

A Except I think a couple of them actually took their weapons up on the roof and joined them in defense of the facility.

[3:20 p.m.]

BY MS. JACKSON:

Q But you said the chief of station had gone and met with the survivors?

A I believe he did, yes.

Q In Tripoli?

A In Tripoli, yes.

Q And you said after the SVTC on the 13th, you picked up the phone and called Beth Jones?

A Yes.

Q And would you relate that for us again, please?

A Again, I said to her: No one from U.S. Mission Tripoli reported a demonstration in Benghazi on the 11th. And she said: We know.

BY MS. CLARKE:

Q Mr. Hicks, when you were just discussing with Ms. Jackson, I think you mentioned that you said that you had to run to see the deputy prime minister to get permission for the FAST platoon to land?

A Yes.

Q Can you tell us a little bit more about your efforts to get permission for the FAST platoon to land?

A So we had alerted the government that they -- that the FAST platoon was incoming, and the government, as of that time, had not explicitly given us permission for them to arrive and take up the defense of our facilities. So I went to the deputy prime minister,

to Abu Shughur, A-b-u S-h-u-g-h-u-r, and he was very accommodating. We had to work through some details.

Q What were some of those details?

A One of the details was the SST -- one of the rules regarding the SST's operation in Libya was that whenever they were not on our compound, they had to wear civilian clothes. And that was not only the Libyans' rules, but those were our rules. It was in order to maintain the no boots on the ground appearance.

And so the Libyans were very fond of the no boots on the ground policy, and so they were basically insisting that if we brought in more U.S. military personnel, that they conform to the no boots on the ground policy. And so this meant that the FAST platoon would need to wear civilian clothes from arrival until they get to the base. And once they were on our Embassy compound, and in the chief of station's compound, then they could switch back to their military uniforms.

Q When you say no boots on the ground policy, was that a U.S. Government policy?

A Yes.

Q And then just can you explain, are there two types of clearances that you would need to allow the FAST platoon to land? In other words, would you have needed a flight clearance?

A Yes.

Q And then also a separate diplomatic clearance?

A Yes.

Q So what you're referring to here was the actual diplomatic

clearance --

A Yes.

Q -- for those individuals to be in country?

A I believe we already had the flight clearance for the C-130s to land.

Q Do you recall about what time of day your discussion with the Prime Minister -- deputy prime minister -- took place?

A We started about 5:45 and we finished up at about 6:45 p.m. on the 12th.

Q On the 12th. And to your recollection, do you recall where in transit the FAST platoon was at the time? Had they already arrived in Libya or were they close to arriving?

A They were incoming. They were expected to land around 8 p.m.

Q And you said that -- prior to this conversation with the deputy prime minister, had you had any other conversations regarding this issue with the Prime Minister, the deputy prime minister, or someone who could have made that decision?

A I don't think so. I think I was at the time a little tied up with other events. And that was not something I wanted to do over telephone either.

Q And with the issue to the FAST platoon conforming to the no boots on the ground policy, including wearing civilian clothes when they were off compound, did you have to relay that particular decision or parameter to anyone at Tripoli Embassy or even back to the State

Department?

A Well, I think that I flagged this issue to State when they sent it in earlier. I said: How are we going to handle the no boots on the ground policy?

Q And what was their response?

A They said: Well, we're work on that. As I recall.

BY MS. JACKSON:

Q At any time during the night of the attack, were you requested to obtain flight clearance or diplomatic clearance for other type of military assets to come up?

A No.

Q Were you ever told that assets were spinning up in any way?

A No, I was not.

Q So no one requested you to reach out to your counterparts within Libya to get permission for other types of military assets to come in?

A We were not.

Q Do you know if anyone else was doing that?

A I know of no one else. Flight clearance protocol in the Embassy was to refer all such matters to the defense attache.

Q And he never told you that he was requested to get any type of flight clearance?

A He never did. The only planes that he -- we talked about were the FAST platoon C-130s and the C-17.

Q You've described for us a call to Beth Jones after the

September 13th SVTC?

A Yes.

Q And you've described to us two communications with Secretary Clinton, one the night of the attack and then sort of an all-embassy one the following day. Is that correct?

A Yes.

Q Did you have any direct contact with any of the other senior leadership -- let me back up.

We've also talked about multiple conversations that you had with Beth Jones on the night of the attack and into the early morning hours after that. But after the personnel had been evacuated from Benghazi to Tripoli, did you have further communications with any of the senior leadership at the State Department other than the one call you've described for us with Beth Jones and the two communications with the Secretary?

A Later in the morning on the 12th I talked with Pat Kennedy.

Q And tell us what was discussed during that conversation?

A We talked about, in greater detail, about the C-17 coming in. We talked in greater detail about our repositioning to the chief of station, to the Annex in Tripoli, and we talked about who -- approximately how many of our people would be temporarily evacuated from Tripoli until circumstances settled. And also we talked about the process for going, would we move immediately or would we move at dawn.

Q Did you talk to him about the facts or the underlying events

of the attack?

A I don't recall doing so.

Q In the immediate aftermath of the attack and again after personnel had been evacuated from Benghazi and before September 16th, to your knowledge, did anybody from Public Affairs or press people from the State Department reach out to your public affairs officer or anyone at Embassy Tripoli to learn more about the facts and events that had occurred in Benghazi?

A I don't recall that happening.

Q Were your people available should they want to get in contact with them?

A Absolutely. We would have been there. I mean one of the issues that we were dealing with was video -- in that period -- was video and demonstration and the event. And we were being very careful to attempt to keep video and Benghazi separate.

Q Can you elaborate on that? I'm not sure I follow your answer.

A We were concerned that any follow-up events to what happened in Cairo, what was happening elsewhere, might get -- become further -- we would have further disturbances, further increased tension, possibly demonstrations. And so we wanted in Tripoli to make sure that what was a nonevent stayed a nonevent.

Q And did it stay a nonevent?

A And it did until, as I said, the 16th.

Q And what happened on the 16th?

A Well, on the 16th you have President Magarief, who went to -- who actually went to Benghazi to begin an investigation of what happened, and from Benghazi he's on the Sunday talk shows, and he says unequivocally that this was an attack by Al Qaeda and Al Qaeda affiliates. And Ambassador Rice says: No, it was a spontaneous demonstration at the consulate caused by a heinous video.

Q And what was the ramifications of that?

A You have to understand that prior to this I had already demarched the Libyan Government at the highest levels that Ansar Sharia had claimed responsibility for the attack. Beth Jones had demarched the Libyan ambassador in Washington to that same fact.

Q And by demarched, what do you mean?

A Demarche, make a representation, a diplomatic representation about a particular issue. And so I had basically -- and I had continued to portray the events in my conversations with senior Libyan officials as a terrorist attack.

And so that filtered up to President Magarief and he decides to buy into our line, and then Ambassador Rice cuts his legs out from under him. And after that CBS show, he's not on any of the further shows -- any of the other shows that morning and it's just Ambassador Rice. The impact on President Magarief, his reputation, is very large.

Q And were you told that?

A In diplomacy you're not told this, you're not told things like that directly, but it was clear that that's what had happened. And from the behavior of people around him, we suddenly did not see

the same level of cooperation that we had seen up to that day. And so things got harder to accomplish.

Q And can you give us an example of something that became harder to do?

A Well, it became suddenly very hard to get the FBI to Benghazi.

Q And had they previously pledged cooperation with getting the FBI into Benghazi?

A Absolutely.

Q And did you have any issues with getting the FBI into Libya?

A No, we got them into Tripoli pretty easily.

Q [REDACTED]

A [REDACTED]
[REDACTED]
[REDACTED]

Q Do you have any other examples of how the relationship that you had with -- that you as a diplomat had with the Libyan Government after the 16th?

A I don't quite recall having exactly the same -- well, I don't have any specific examples, I think that's the best one. We had two basic missions at that point in time going on. One was investigate what happened and the second was get -- was achieve approval of the 1208 program, is the two would reinforce each other down the road. And otherwise -- and both were strung out.

Q So you'd already made the 1208 request?

A We made the 1208 request. You know, we got the -- we eventually got the FBI to Benghazi in early October. We eventually got the 1208 request at the end of October. But they were a tougher slog, I believe.

Q You had stated earlier today that you knew members of Ambassador Rice's staff. Did you have any conversations with them after her appearance on the Sunday talk shows?

A No, I did not.

Q Did you voice your concern over what she had done to anyone within the State Department?

A Again, I spoke with Beth Jones after the shows, and I specifically asked her: Why did she say that? And Beth Jones said: I don't know.

Q At any time did you, on the 11th or 12th, did you -- were you aware that Under Secretary Kennedy was going to brief Congress on the attacks?

A No, I was not.

Q Were you or anyone else in Libya requested to provide any summary or synopsis of what happened to State Department headquarters regarding the events?

A No.

BY MS. CLARKE:

Q I just have one quick clarification. Backing up a little bit, when you were talking about the call you had with Under Secretary Kennedy about the C-17 and moving to the Annex, and I wrote down -- and

I may have wrote it down incorrectly -- that you said later in the morning of the 12th. Do you recall what time this particular conversation with Under Secretary Kennedy occurred?

A 3:30.

Q Okay.

A Guess. It was before we left our facility.

Q All right. Thank you.

BY MS. JACKSON:

Q To your knowledge, was there any type of formal after-action report done within the State Department, apart from the Accountability Review Board, of the Benghazi attacks?

A The Diplomatic Security Service pulled together an investigation and an after-action report of what transpired in Benghazi, but I don't know that it was ever formally -- it was ever formally finalized and published either internally or publicly. My guess is that the report was classified, so it would have been handled internally. But I know that I testified, if that's the word, or I met with their investigators who were preparing that report.

Q Was that from the PII section of Diplomatic Security, Protective Intelligence and Investigations?

A It might very well have been.

Q Do you recall who you met with?

A You know, names are not one of my strengths, and I am not remembering his name at the moment.

Q Do you think you would recognize it if you heard it?

A I think I would, yes.

Q Does the name [REDACTED] or [REDACTED] sound familiar?

A That is the gentleman. That is the DS agent that I met with.

Q You met with the Accountability Review Board. Is that correct?

A Yes.

Q And I believe you spent about 2 hours with them?

A Yes.

Q But then you spent some more time with them in a follow-up session. Is that correct?

A Yes.

Q Would you describe that for us, please?

A I meet with [REDACTED], the executive secretary of the Board. She's been a long-time friend.

Q Was she a State Department official?

A Yes.

Q She was a foreign service officer?

A Foreign service officer. She's currently deputy chief of mission in Paris.

And there whether were a couple of issues that I wanted to flag for her and the Board to follow up with. One of those was the SST 1208 transition procedure. And I honestly can't remember now what the second issue was.

Q Was your meeting with her at your request or at her request?

A It was at my request.

Q During your interview with the ARB, did you have any questions about prior notice of the Ambassador's trip to Benghazi, prior notice to State Department headquarters of Ambassador Stevens' trip to Benghazi?

A I don't recall us getting into that issue to any great extent.

Q There was a recitation of fact in the ARB report that essentially said something that Ambassador Stevens had traveled to Benghazi independent of Washington.

A Yes.

Q Do you recall that?

A I recall that, and I immediately flagged that as factually inaccurate.

Q And why do you believe that was factually inaccurate?

A Well, because Washington was notified that he was going well in advance. Washington had a daily stream of information about what was going on in Benghazi and in Tripoli through that entire time period. Washington at any time could have picked up the phone, Beth Jones could have picked up the phone at any time and called Chris and said: Chris, maybe your trip to Benghazi is ill advised at this point in time. And that never happened.

But, you know, not only did we have these email exchanges, not only did we have daily phone calls, but I also updated the Operations Center on a daily basis as to who was in Benghazi.

Q And why were you doing that? Is that something

you do -- that every deputy chief of mission does on a daily basis?

A Well, no. These were all extraordinary procedures. I mean, I had served in normal embassies before. And these -- we had a number of extraordinary procedures in terms of post management. This was one. The daily report to Pat Kennedy of who was physically present in Libya was another. And so, you know, keeping the Operations Center updated on who was where and what their contact numbers were.

But it makes sense if you think about it. If we're changing people over and over and over again they need to know who to reach out to in an emergency or even just because a phone call is necessary.

Q You have obviously read the unclassified version of the ARB. Is that correct?

A Yes.

Q And we've talked about one statement in there that you take issue with. Were there other findings or statements in there that you believed were not accurate or accurately described events?

A I think I testified fairly extensively to the incompleteness of the ARB.

Q And have you changed your position from what you have said before?

A No, not at all.

I think one of the things that, again, I'd like to reiterate is that I told Pickering also about the conversation between Secretary Clinton and Ambassador Stevens about Benghazi and establishing a permanent consulate there. And his response was: Does the 7th floor

know about this? Twice he said it. And he seemed quite surprised.

So --

Q But isn't Secretary Clinton the 7th floor?

A Yes. And so, again, that was not reflected in the report. And it's important -- again, the procedural issues associated with the ARB are very prominent. The fact that there was no reporter, there was no ability to review the notes that were taken of my interview, there was no advanced reading of the ARB report for witnesses to see, to determine if their evidence had in fact been incorporated accurately. And of course, obviously, the classified report was never made available to any of us.

Q In your April 2013 interview before the House Oversight and Government Reform Committee, you described how when you left Libya you obtained a CD of all of your emails. Is that correct?

A Yes.

Q I've summarized that accurately?

A [Nonverbal response.]

Q You have to answer out loud.

A Yes. I thought I said, yes.

Q And at that time, in April of 2013, those emails were not available to you. Is that correct?

A Yes.

Q Did they ever become available to you?

A Briefly.

Q And when was that?

A That was during the period when I was working in the Office of Intergovernmental Affairs. They were eventually added to my portfolio during that time period. So I could read them for a short period of time. Then when I moved to the Center for Strategic and International Studies they became unavailable again.

Q Are they currently unavailable to you?

A Yes, they are unavailable to me now.

Q I want to go back in time to in the aftermath of attacks when they were setting up and calling for an Accountability Review Board. Were you ever asked to search your records or turn over your records, your emails, other documents to the State Department for use by the ARB or any other type of congressional oversight or other request?

A Yes.

Q And did you do so?

A Yes.

Q So that was before the CD was made?

A Yes.

Q So those records would have been turned over?

A Yes.

Q Do you remember how you -- did you personally conduct the search?

A Yes.

Q And how did you conduct your search?

A I went through my emails to look for the records that met

the criteria that had been submitted and I sent them -- I forwarded them to the address -- to the -- I think we actually had a central person, one person who was collecting all of them, and that person then sent them into --

Q Was that a person within NEA?

A It was a person at the Embassy, and then he went and sent it back to NEA/EX. I think it was the person at NEA/EX who had the responsibility for assembling all that.

Q What is your current position within the State Department?

A I am a Pearson fellow.

Q And what does that mean?

A It means I am on loan or on detail to the Congress.

Q And how long have you been a Pearson fellow?

A I've been a Pearson fellow since August of 2015.

Q And is that a position you sought?

A Yes.

Q Are you currently satisfied with your position within the State Department and how you have been treated?

A I am not. Let me -- there are two answers to this question. I am not satisfied with the way I've been treated by the State Department. I am satisfied with the position I have. It is a very rewarding job that I have working for Congressman Nunes, in a personal sense. But I curtailed based on an implicit agreement.

Q And curtailed means you gave up your position of deputy chief of mission?

A Gave up my position of deputy chief of mission in Tripoli based on an agreement, based on an offer that I would be able to obtain a commensurate job within the State Department. Now, commensurate job means either, in my view, a DCM job or a principal officer job or an economic counselor job, but a job of commensurate value. And every effort that I have made to meet that threshold has not been achieved. In fact, the opposite has seemed to have occurred. I was moved into overcomplement in the Bureau of Near Eastern Affairs and basically given a desk in an unused part of the Bureau and given nothing to do, while positions at my grade within that Bureau remain unfilled.

Q And did you -- have you brought that to the attention of officials within the State Department?

A I spoke to the principal deputy assistant secretary of human resources and laid out a series of possibilities for how this might be -- this agreement could be fulfilled, to which he answered no in every -- to every example.

I spoke with Deputy Secretary Bill Burns about the offer of a position, a very prestigious job in Mexico City by our Ambassador there. And Ambassador Burns basically said: Well, the bureaucracy will have to work this out. And based on that answer, I knew that there was no possibility of that position actually being achieved.

And so -- I can't make it clear -- the way the personnel system works is as oblique as everything else that we do is. And so the personnel system is I can be offered the job, but the job, you still have to go through the bureaucratic process. And if you are -- if the

job is a minister-counselor job and you are an FSO-1, there are multiple hoops that have to be passed through. And so it wasn't going to work out without senior officials saying: Yes, move him through the hoops. If that makes sense.

Ms. Jackson. Mr. Westmoreland.

Mr. Westmoreland. Are you familiar with any of the demonstrations that happened in Benghazi in June?

Mr. Hicks. Of?

Mr. Westmoreland. In June.

Mr. Hicks. Of 2012?

Mr. Westmoreland. Yes. Right before the September -- June before September.

Mr. Hicks. Yes, I was tracking that.

Mr. Westmoreland. And was there any reports of what different groups were participating in those?

Mr. Hicks. Yes, I believe that our reporting out of the [REDACTED] [REDACTED] was pretty clear on who was involved in those activities.

Mr. Westmoreland. And who did they say was involved in those activities?

Mr. Hicks. It's been a long time, sir, since I've read those reports.

Mr. Westmoreland. Okay. But there was a report written about who all was involved?

Mr. Hicks. Yes, I believe there was.

Mr. Westmoreland. Would you have considered that a tripwire.

Mr. Hicks. Demonstrations like those are always something that we have to look at very carefully. Now, I don't believe those demonstrations were anti-Western in nature. I think, if I recall, they were related to the elections that were coming up and were about how political power in Libya was going to be apportioned.

So because -- so demonstrations in and of themselves, no, they're not a tripwire, but they're certainly a matter that -- in conjunction with other activities.

Mr. Westmoreland. Political unrest, is that not a tripwire to political unrest?

Mr. Hicks. It can be, it depends on the nature of the political unrest.

Mr. Westmoreland. Okay. Are you familiar with the attack on the British Ambassador?

Mr. Hicks. Yes. We talked about that earlier, sir.

Mr. Westmoreland. Oh, Okay. And that was a tripwire?

Mr. Hicks. That was a tripwire. I believe it canceled -- it effectively canceled Ambassador Stevens' intention to travel to Benghazi in June of 2012.

Mr. Westmoreland. Okay. And, of course, the same thing about the hole being blown into the outside wall?

Mr. Hicks. Right.

Mr. Westmoreland. Did you all discuss that also?

Ms. Jackson. No.

Mr. Hicks. We did not discuss it, but it definitely occurred?

Mr. Westmoreland. It was a tripwire?

Mr. Hicks. It would be a tripwire, yes.

Mr. Westmoreland. And so did you all go through the appropriate actions of when something like this happens?

Mr. Hicks. I believe -- I was not at the Embassy at that time, but I believe the mission did go through the process at that time.

Mr. Westmoreland. Okay. And I guess the same thing when the Red Cross building was hit?

Mr. Hicks. That was another event that needed -- should have sparked an Emergency Action Committee review.

Mr. Westmoreland. Okay.

Mr. Hicks. And I believe it did.

Mr. Westmoreland. When all of this took place, the attack took place, you mentioned talk around the office, I guess, around the water cooler kind of thing.

Mr. Hicks. Yeah, could be. Coffee pot, in the cafeteria.

Mr. Westmoreland. Coffee pot. I mean, after all of this happened, was there ever any -- did you ever hear anything personally that "we should have known the environment was too hostile" or, you know, "with all the things that have happened so far, something could have been anticipated"?

Mr. Hicks. I think we -- within our community the conversation has always been about regret for the loss of life of Americans who were doing their duty. We never questioned Ambassador Stevens' decision to be in Benghazi.

Mr. Westmoreland. Did you ever question the amount of security Ambassador Stevens took with him to Benghazi?

Mr. Hicks. I never questioned the amount of security that Ambassador Stevens took with him that night. He had over half of our DS complement in the entire country with him alone.

Mr. Westmoreland. When he traveled down?

Mr. Hicks. Yes. He had five of -- we had nine DS agents in the country that day and he had five of them with him.

Mr. Westmoreland. I thought he only traveled with two.

Mr. Hicks. Yeah, traveled with two, but there were three in Benghazi already assigned there.

Mr. Westmoreland. Okay.

Mr. Hicks. And so he -- again, he had more than 50 percent of what we had. Should we have had more? Yes. But the answer to that is unequivocally: Yes, we should have had two MSD teams. The answer to the cable on July 9th should have been: Yes, and we will make two MSD teams available to Tripoli until such time as you deem it -- deem that they are unnecessary.

Mr. Westmoreland. But in Tripoli you had some [REDACTED] officers and you had some marines?

Mr. Hicks. No. In Tripoli we had [REDACTED] at the station and we had four SOCAFRICA personnel at the Embassy, but they were not under chief of mission authority.

Mr. Westmoreland. Okay.

Ms. Jackson. And just to follow up on that, how many Embassy

Mr. Hicks. Twenty-eight.

Mr. Hicks. Right, which was a kilometer-long -- a kilometer-long wall that was incomplete, that had no -- in one section was tin, literally tin, and it did not have wire on top. The gate could be kicked in. We didn't have a mantrap for pedestrians. And we had incomplete closed circuit television coverage around the wall.

§ 87(2)(b), [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

_____.

Mr. Hicks. In either city.

I'm sorry, sir.

Mr. Westmoreland. No, that's okay, no, no, no.

[REDACTED]

[REDACTED]

Mr. Hicks. [REDACTED]

Mr. Westmoreland. [REDACTED]

[REDACTED]

Mr. Hicks. Right.

Mr. Westmoreland. [REDACTED] Was
that Tripoli post considered high threat?

Mr. Hicks. Yes, absolutely. It was critical threat actually.

Mr. Westmoreland. Critical threat?

Mr. Hicks. Yes.

Mr. Westmoreland. That's higher than --

Mr. Hicks. Yes.

Mr. Westmoreland. And still there was that kind of lapsed in the
security --

Mr. Hicks. Yes.

Mr. Westmoreland. -- as far as perimeter, mantrap --

Mr. Hicks. Yes.

Mr. Westmoreland. -- gate, and so on?

Mr. Hicks. In fact, I'll be honest with you, I thought Chris
Stevens was safer in Benghazi than we were in Tripoli. And not to
mention the fact that we had Abu Anas al-Libi present in Tripoli as
our neighbor.

Mr. Westmoreland. Sure. Did you or anybody there, other than Ambassador Stevens, request additional security for Tripoli?

Mr. Hicks. After the July 9th cable and the response that we received, we basically knew that our careers were on the line if we again asked for additional security personnel to be assigned to Tripoli.

Mr. Westmoreland. So how many times did you ask before?

Mr. Hicks. He had asked -- Ambassador Cretz had asked before, Ambassador Stevens had asked, and in both cases the normalization of security plan was -- we were effectively informed the normalization of security posture plan was going forward regardless of what we thought.

Mr. Westmoreland. So they didn't want it to -- the State Department didn't want it to seem fortified or a military kind of thing? I mean --

Mr. Hicks. I don't know what they were thinking. All I know is that --

Mr. Westmoreland. All I know is they said no?

Mr. Hicks. All I know is we said no -- and they said: No, go about your job with the resources that we're providing you.

Mr. Westmoreland. Okay. But you felt like that was telling you that if you didn't, you may end up doing something else?

Mr. Hicks. Well, I don't know whether you saw the draft cable that I tried to work up on our security posture --

Mr. Westmoreland. No, sir. I didn't see that.

Mr. Hicks. -- in Tripoli. But I basically said, since you're not -- the cable message was: Since you're not going to give us the personnel, we have to be able to protect ourselves. And we're requesting authorization for training in basic driving, we're asking for authorization for training in medical -- emergency medical response, and we're asking for weapons training.

Mr. Westmoreland. Did you ever get that?

Mr. Hicks. It was never cleared to be transmitted from post.

Mr. Westmoreland. On this page -- I don't know what exhibit is this, 3?

Ms. Jackson. Three.

Mr. Westmoreland. On exhibit 3, at the bottom of page 2, at 22:38, the political affairs officer, I guess, says: "(Blank) how is everything? No shooting? Are you with the Ambassador? Where is the Ambassador now? Are you're heading to the compound now? Well, be careful."

I'm assuming since it's blacked out we ain't going to know who that is, but the political person was talking to somebody in Benghazi --

Mr. Hicks. Uh-huh.

Mr. Westmoreland. -- who evidently they had a relationship with.

Mr. Hicks. Yeah.

Mr. Westmoreland. And I'm assuming it's not the GRS agents.

Mr. Hicks. No. I'm sorry, what page are we on, sir?

Mr. Westmoreland. The bottom of page 2, 22:38, second from the bottom.

Mr. Hicks. [REDACTED]

[REDACTED]

Mr. Westmoreland. [REDACTED] ?

Ms. Jackson. [REDACTED] .

Mr. Hicks. [REDACTED] .

Ms. Jackson. [REDACTED]

Mr. Westmoreland. [REDACTED] .

Mr. Hicks. Yes.

Mr. Westmoreland. [REDACTED]

[REDACTED]

Mr. Hicks. Yeah. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Westmoreland. [REDACTED] ?

Mr. Hicks. [REDACTED] .

Mr. Westmoreland. The next thing, at the same time it says -- the RSO says the 17th Brigades are now on location.

Mr. Hicks. Uh-huh.

Mr. Westmoreland. Then, according to this, our guys showed up at 22:43, approximately, I guess. It says: "Seven U.S. pax on the compound."

Mr. Hicks. That seems to be accurate, that seems to jibe with everything that I've heard in terms of timing.

Mr. Westmoreland. "We don't think anyone's been hurt at this

point...No known injuries...They have not all phoned in. It seems the Ambassador and one or possibly 2 pax in a separate villa."

So I've never heard that the 17th Brigade got there before our guys got there.

Mr. Hicks. Well, what you heard is what we were being told. That doesn't necessarily mean what we were being told was actually happening on the ground.

Mr. Westmoreland. Do you think it is possible that one of the -- this RSO guy saw somebody from the 17th Brigade in the crowd and thought that the 17th Brigade had arrived?

Mr. Hicks. Well, no, I think this is somebody telling [REDACTED]

[REDACTED] that 17th February is on the ground.

Ms. Jackson. They are already on the ground.

Mr. Hicks. That they are already on the ground. And so I think -- I don't think it's accurate. I think there are not necessarily -- I can't underestimate -- I can't underestimate how confusing the circumstances were that night.

Mr. Westmoreland. Sure.

Mr. Hicks. And so I don't necessarily -- anything related to the 17th February Brigade should be carefully cross-referenced with multiple sources.

Mr. Westmoreland. Do you think [REDACTED] knew anybody on the 17th February Brigade?

Mr. Hicks. Oh, he knew many people in the 17th Feb Brigade. [REDACTED]

[REDACTED]

██████████
Mr. Westmoreland. Okay. I'm done.

BY MS. JACKSON:

Q Just, like, two more questions and we're done, I think we're done.

During any of your conversations on the night of the 11th or the early morning hours of the 12th, was there any discussion about the State Department deploying the FEST, the Foreign Emergency Support Team?

A [Nonverbal response.]

Q Yes or no?

A No.

Q Do you know what the FEST is?

A I learned about it later.

Q Okay. You didn't know it was an asset to request?

A No.

Mr. Toensing. I want to say something on the record because our firm also represents the person that was in charge of the FEST.

Ms. Jackson. Well, let's -- actually we're beyond our hour. Let's go off the record at this point and we can have a conversation about that. And then we'll chat with our colleagues.

[Recess.]

Mr. Kenny. Mr. Hicks, thank you again for your patience. The time, by my reading, is 4:20.

BY MR. KENNY:

Q And, Mr. Hicks, we had a discussion, I think we touched on in the last hour, it may have first come up in an earlier round, a discussion you had with my colleagues about potential for there to be protests at Embassy Cairo in the September 2012 timeframe. Do you remember that?

A Yes.

Q You'd indicated that -- I believe you said it was around September 8th that Embassy Tripoli began following the potential for protests in Cairo. Do you remember that?

A I think that -- yes.

Q Okay. And do you recall, was that -- Embassy Tripoli doing that, was that in response to an advisory or some sort of threat reporting that had been received by the Embassy?

A I recall a general instruction coming out of Sec State to start to monitor reaction to the video.

Q Okay. And do you recall about what time period that --

A I think it was about September 7th, September 8th that we got that general instruction to pay attention, that this video was going to -- might be coming out or something to that effect.

Q Okay. And over the long course of your career at the State Department being deployed to post, had you seen instances like that before where Main State or Sec State would send a cable notifying or alerting personnel of the potential for there to be some unrest in an area?

A Yeah, absolutely.

Q And at this time did you have any reason not to take that instruction or that advisory seriously in the September 8th timeframe?

A We take any advisory, any directive from the State Department very seriously.

Q Okay. And then just would like to ask, sir, when you became aware that there was a protest in Cairo, given that you'd receive this instruction to monitor -- well, actually, let's first ask, what do you recall the instruction was that it was for you to monitor?

A Again, this is very vague, but I do believe we received a message from State saying pay attention to reaction to this video that's coming out.

Q Okay. So it was tied to a video?

A Yeah. And I think we knew that the video had been out in English, but there was some kind of indication that an Arabic translation was coming out as well.

Q Okay.

A And so we wanted to -- again, the State Department said: Pay attention, this could be disruptive. And so we did.

Q Okay. And did you have any indication or warning about the fact that there might be a protest at Embassy Cairo on September 11?

A We might have, but I can't recall specifically that we did.

Q And you previously mentioned that you sent a text message to the Ambassador when you first learned of the protest in Cairo. I'd just like to ask what your intention was in sending that to the Ambassador.

A So it was actually when I witnessed the attack on the Embassy, not necessarily the protests. And so --

Q In Embassy Cairo?

A In Embassy Cairo. And the fact that the walls had been breached and the flag had been taken down and the black flag had been raised in its place. And so I was telling Ambassador Stevens that Embassy Cairo had been attacked.

Q Was your sense at that point that at least the outer perimeter of that facility had been overrun --

A Yes. You could see it on television.

Q Okay. So in your mind was there a concern then for the safety, security of folks at Embassy Tripoli with respect to potentially the possibility of some sort of spillover?

A Absolutely. This was one of the reasons why I was pinging Ambassador -- well, pinging is not the right word, I was texting Ambassador Stevens to witness what's going on to raise his awareness as well.

Q Okay. And I take it text messaging was a function, a functionality capability within the Libyan commercial cell phone system?

A Yes.

Q Was texting, is that a pretty common way of communicating in Libya?

A It was, yes. Texting was in some ways more reliable than actual conversation.

Q And as far as Internet penetration in Libya, did you have a sense of how wired the country was with respect to some, maybe the other posts that you've been to?

A Well, it was more wired than Afghanistan and more wired than Bahrain in 2004. But Bahrain was pretty wired even then. We had an incident with -- a blowback incident from a Marine Security Guard email that came back out on the Internet.

In any case we had -- to give a sense of how wired Libya was, I think we had the second-most active Facebook page among American embassies in the NEA region.

Q Impressive.

A We thought so. We were proud of ourselves.

Q But I guess before we move on, so it sounds like, at least at the time that you communicated with the Ambassador, you had some concern that there was the potential that unrest in a neighboring country could spread into Libya?

A Absolutely.

Q And I want to move forward now to the night of the attacks. We had a pretty extensive discussion about exhibits. Exhibit No. 3?

A Yeah.

Q And I just wanted to ask a general question. My colleagues had walked through on kind of a line-by-line level of detail with you some of the contents of this document. And I'd just like to first ask whether you've had -- whether you had previously had an opportunity to review this document for its accuracy before it was sent on September

14th?

A I believe I read through it on September -- before September 14th, but very quickly. I just know that on the 14th we were still incredibly busy.

Q Sure. And I believe -- at least I think the sense of many when we reviewed documents such as this and to see events as they kind of unfold in real time on the night is that everybody was working as hard as they could try to obtain more information.

A Yes.

Q Because at the time I think you described it as a confusing situation. Is that right?

A Incredibly.

Q And included in that was also that you would do everything in your power -- "you" being everyone on the staff -- to try to request assistance?

A Yes.

Q And we'd asked and walked through a series of several of those contacts, individual contacts you made. But I just wanted to ask you real briefly, because you had mentioned that your interface was the point of contact with the Libyan Government, why it was important to reach out to the Libyan Government to ask for their help in this situation.

[4:25 p.m.]

Mr. Hicks. It was, first of all, important because the Libyan Government had an obligation to protect our diplomats, both in Benghazi and in Tripoli. Second reason was they had the resources available to protect our diplomats in real time, and, in fact, they had the only resources available that could make a difference in real time for our people.

BY MR. KENNY:

Q When you say resources, are you referring to specific assets that you were aware of that the Libyan Government had under its control or are you referring more generally to --

A Well, they had -- you know, they have police, they have military forces. They have police in Benghazi, they have military forces in Benghazi. Those people, theoretically, at least, could respond, could deal with the attackers effectively.

Q I sense a little frustration from you, sir, even when you describe the Libyan Government having the resources, but there apparently not being either a capability or a willingness to commit those forces. Is that -- did you have -- did that sense become clearer to you as the night --

A Yes.

Q -- went on? Okay.

A The Libyans first commit forces in our favor when they send vehicles to the airport in Benghazi and move Team Tripoli from the airport to the Annex.

Q Okay.

A That's the first effort exerted by the Libyans that night.

Q In your discussions with the Libyans or in your discussions with your staff who were in touch with other organs of the Libyan Government, were you ever told that the response by the Libyan Government was in any way tied to a misunderstanding about the diplomatic status of personnel in Benghazi? Was that ever an issue that night?

A No.

Q Okay. And just, again, I know -- I think we've touched on this, but other than the brief conversation you had with Ambassador Stevens that night, were you in touch -- were you personally in touch with any other U.S. Government personnel in Benghazi that night?

A No.

Q Okay. But other members of the country team were --

A Yes.

Q -- or the embassy team? And I think we've talked about some of those individuals.

Speaking of the Libyan military, the response the night of the attacks, did you develop an understanding that perhaps the central government in Tripoli had limited influence in Benghazi on the night of the attacks? Did that become more clear to you?

A Yes.

Q Of the events? Okay.

And the reason I ask that, I know we talked a little bit in the

last round about the Federal Bureau of Investigation, FBI agents came into the country. And I just wanted to ask, because I thought I'd heard you say that after the Sunday talk shows the level of cooperation that you sensed had reduced. Specifically you mentioned with President Magarief. Is that right?

A Yes.

Q Okay. And I hope I'm pronouncing his name --

A Magarief.

Q Magarief. Okay. Thank you.

I'd just like to ask, if on the night of the attacks there was a refined understanding that maybe the government in Tripoli wasn't able to project power in Benghazi to the extent maybe it was previously thought it could, I'd just like to tie that to the discussion of whether that -- it was necessary to have the Libyan Government's permission or support to send an FBI team to Benghazi.

A It's still their country, and movement -- we were seeking agreement to conduct a joint investigation of the attack pursuant to their description to us of the requirements under their law. And that was part of our -- part of the process of negotiating access to the sites for our people.

Q Did they -- did the Libyan -- sorry, please.

A Yeah. In addition, we wanted Libyan security forces in Benghazi to support an FBI movement into Benghazi and to protect an FBI movement into Benghazi.

Q Okay.

A So the third -- the third element was we were also going to bring in our own Special Forces units that had been moved from the United States to Sicily, to Sigonella base there, to also provide additional security support for an FBI movement there. So we needed permission to land airplanes, we needed permission from security services, and we needed permission overall from the Justice Ministry for the FBI to go to Benghazi. Ideally, if we get this from the top, this all smoothes out very easily.

Q Trickle down?

A Trickle down. It's not trickle down. It's order down. It's a top-down government, even with the democracy. But lacking agreement at the Presidential level, at the prime ministerial level, at the deputy prime minister level, we had to string agreement together at the ministerial and subministerial level to ultimately get the FBI to Benghazi.

Q So did --

A So it did --

Q I thought maybe I had heard you say that it was a unilateral mission in the sense that it didn't have the concurrence of the Government of Libya. Maybe I misheard.

A We achieved -- there were two ways to do this. You do it at the working level and you get individual support from the various actors from whom you need support.

So we achieved approval from the military for the airplanes to arrive. We achieved approval from the intelligence services that they

would provide security for the movement. We achieved approval from the Justice Ministry that we could actually go and conduct the investigation, and we achieved approval from the MFA that they were going to issue visas for the special operators who were coming in to also provide security for our FBI team.

Q Did any of those actors you just described, those particular offices within the Libyan Government, did they ever express to you their concern about the safety of the teams that would deploy to Benghazi or their inability to provide security for those teams?

A No, ultimately they all -- you know, the people who could provide security said: We will provide you with the security.

Q So maybe that was the case then, as of October, I think, when the team was ultimately supported, but before that time, into September, shortly after the attack, do you recall the Libyan Government relaying those concerns to you?

A Well, I think -- again, their President was in Benghazi on September 16th, and he was safely there. So the argument that they couldn't provide security for someone -- if they can't provide -- if they can provide security for their President to be in Benghazi but they can't provide security for the FBI to go there, there's something that doesn't add up, and, obviously, we knew that it didn't add up.

Q Okay.

A And so ultimately -- ultimately we did. Again, I think I've characterized this before, but we're sitting in our country team meeting and we go around the table and we ask everybody involved: Do

you have what we need from your ministry to go? And we get the answer. FBI says Justice is okay and Interior okay. [REDACTED] [REDACTED]. DAT says our planes have been cleared. POL says MFA will be standing by to issue visas for our Special Forces personnel to enter the country.

And so we all looked at each other and say: Well, FBI, this is as good as it gets in Libya. Call it in and see if the attorney general and the director are prepared to authorize.

Q Do you recall any discussions from the FBI agents on the ground, the legal attache who may have been in country, that there may not have been a need to go to Benghazi?

A No. They were very clear. The legat was insistent from day one that they get to the actual sites and examine the evidence.

Q And to the best of your recollection, that never changed?

A That never changed. And so, you know, that was job one, was getting the FBI to the site to conduct the investigation. Almost, I would say, 60 to 65 percent of our resources were committed to that mission from their arrival.

Q Okay. Moving now to some of the discussions you had. You described a series of severe -- not severe -- secure calls in which you participated in the days following the attacks.

A Yes.

Q I think you described for us an environment that week where lots of things were going on?

A Yes.

Q It sounds from -- my characterization -- it sounds like that was an extremely busy period for you and your team. Meanwhile -- is that fair?

A We were in constant motion.

Q And at the same time, there are also discussions about shrinking the footprint and evacuating other employees. Was that ongoing at that time?

A There was back and forth.

Q Okay.

A Well, no, because we continued to argue that our ability to achieve the mission meant that we needed to have an appropriate number of personnel on -- in our complement and we needed the logistical resources to make those missions possible.

Q Okay. And you made the case for that? There was a discussion back and forth on that?

A It was a constant back and forth on that, but we -- and with the augmentation of the FAST platoon and the acceleration of work on our physical security environment, we were actually getting safer every day.

Q Sure. The first day after the attack, were you physically at Tripoli Annex facility?

A Yes.

Q When were you able to return to any of the State compounds?

A We moved back on the 14th.

Q On the 14th?

A Yes.

Q Okay. And during that period, can you just describe for us generally your communications capability that you had access to?

A Our communications were -- we had to -- when we evacuated from our compound, we destroyed all of our communications capability, or what we didn't destroy, we took with us to the Annex.

Q Were you able at that point to access OpenNet and various State Department networks to be able to send emails during the period you were at Tripoli Annex?

A No.

Q Okay. What was your primary means of communication back with Main State?

A Either phone calls or personal email.

Q Okay. And if you sent an email, do you believe it would have happened after you returned to the State compounds?

A Sorry?

Q We were just talking about when you shifted to Tripoli Annex, there was a period of time you remained at Tripoli Annex, and it sounds like you had some sort of a degraded communications capability in terms of access to email.

A Correct.

Q So I just asked what your primary means of communication were. You mentioned phone calls. You mentioned emails. I just want to clarify, when you say emails, is that when you returned back to the State Department facilities and then had access to maybe whatever gear

communications had been --

A No, we -- in exigent circumstances we can use personal email to maintain communications.

Q Sure, sure. Okay.

A And we did.

Q Okay. Okay.

We talked a little bit about some of your discussions with the chief of station. I just wanted to ask, in a more general matter, to what extent you were directly involved in the development of any post-attack intelligence?

A The development of post-attack intelligence? In the sense that the chief of station was talking -- was reaching out to his sources, obviously, I saw all of his reporting.

Q Sure.

A And in -- secondarily, in the FBI lead briefed me on a daily basis on the progress that his investigation --

Q Okay. And that FBI lead was located with you?

A Yes.

Q In Tripoli, okay. Did you have any formal role in reviewing or clearing intelligence that was prepared by station?

A No.

Q Okay. Did you coordinate or clear on any intelligence products that may have been prepared by station?

A No.

Q Okay. Do you recall in that week whether you had an

opportunity to review any finished intelligence products?

A Yeah. I was reading -- pretty much as they were generating, I would read their products.

Q Okay.

A And just because it was critically important for me to stay in -- up to speed on what was transpiring in that world.

Ms. Cohen. Did the station show you any of the finished intelligence products that were being published from Washington, the WIRE or any of the other finished products, not the raw intel reports?

Mr. Hicks. Yeah, I was reading most of the raw intel that was going back.

Ms. Cohen. Okay.

Mr. Kenny. Okay. I think my colleague's question may have been a little different. Were you reading reports that had been disseminated by other agencies within the intelligence community? For instance, did you read any DIA reporting that week?

Mr. Hicks. Not that I recall.

Mr. Kenny. Okay.

Ms. Green. Do you recall reading any NSA reports that week?

Mr. Hicks. No.

BY MR. KENNY:

Q And part of the reason why I asked and singled out DIA reporting, colleague asked you about NSA reporting, we now know as a result of the HPSCI's investigation, their declassified report, they catalog a series of finished intelligence products as well as some raw

intelligence that describe that there was a protest that occurred. But it sounds like, based on your statements here, that you didn't have an opportunity to see the finished intelligence products that week. Is that correct?

A No, I don't think so.

Q Okay. We talked a little bit about a SVTC that you participated in where you were sitting with the chief of station and Deputy Director Morell was also there. You mentioned a discussion that you had offline with the chief of station, and your understanding was that he was going to follow up in his channels to clarify --

A Uh-huh.

Q -- an issue that was raised in that. Did you take any -- was there any follow-up or action items for you following that SVTC related to that particular issue, whether there was a protest?

A Yes. I had a phone call with Beth Jones that same day.

Q Okay.

A And I said to her that no one from U.S. Mission Tripoli reported a demonstration in Benghazi.

Q Okay. And do you recall -- because this is --

A And she said: We know.

Q This is fairly shortly after the attacks, it sounds like, this is September 12th. Do you recall at that point hearing --

A The 13th.

Q This is the 13th now. Okay. That's a helpful clarification. Do you recall at that point having access to any

translation of any statements that Ansar al-Sharia had publicized at that point?

A I think I've seen the -- you know, I think I actually saw the tweet claiming responsibility. You know, I could read it, so --

Q But did you see any translation of any video where a spokesperson for Ansar al-Sharia may have appeared?

A No.

Q Okay. And if --

Ms. Cohen. Can I ask him something?

Mr. Kenny. Uh-huh.

Ms. Cohen. As an Arabic speaker, when you were watching the Cairo event, you understood what was happening. Were you watching it in Arabic or were you watching it in English?

Mr. Hicks. I don't remember which channel I was watching it on.

Ms. Cohen. Did you watch any of the talk shows about the protest -- about the video or any of the other? That day, my understanding is, there were talk shows on pan-Arab satellite stations that were broadcast into Libya. Were you watching any of those shows that day?

Mr. Hicks. I wasn't.

Ms. Cohen. Okay.

Mr. Hicks. I was glued to my television watching events in Cairo and monitoring what was going on in Tripoli. And I'm grateful that nothing was going on.

Ms. Green. Do you happen to know whether the chief of station

followed up and what transpired after the SVTC?

Mr. Hicks. Yeah, I mean, publicly, you know, he sent -- he sent an email to Morell, I believe, and he said there was no -- claiming there was not a demonstration. So --

BY MR. KENNY:

Q So in the last round I think you described some conversations you had with other Embassy staffers who may have had conversations with people who had evacuated from Benghazi.

A Uh-huh.

Q And you're describing for us some of those conversations that you recall that person telling you that they had. And I recalled you saying that they described some of the attackers as having beards and having heavy weapons. Do you remember that?

A Uh-huh.

Q Do you remember there also being descriptions of the attackers having flags that they had with them during the attack or that there was any chanting that took place before the attacks?

A Yeah, I think that -- yeah. I remember hearing that they were -- I remember that this was -- this happened in an extraordinarily sudden fashion and that -- and, again, I saw the video after it was recovered. And so much of that, much of my discussion here is colored by that viewing.

Q Absolutely. And we've also had the opportunity to review that. It's our understanding the video footage didn't become -- or wasn't recovered by the U.S. Government until a much later period of

time. Is that right?

A Yeah, it was the 17th or 18th.

Q Okay. And particularly the DS agents who were recovered from Benghazi, did any of them remain in Tripoli?

A No, they were all evacuated.

Q Okay. Do you remember about how long they were on the ground in Tripoli?

A They were on the ground from around 10 a.m. until about 7 p.m.

Q Okay. Do you remember just their state or condition at that point in time?

A They were in shock.

Q Tired? Exhausted?

A Exhausted. And it was only [REDACTED] and [REDACTED] and [REDACTED] who came to the Annex. The other two were in the hospital.

Q I'd like to move on, unless you have anything else on that.

Okay. Just real briefly touch on the discussion we were having about various U.S. Government assets that could be brought to bear on the night of the attacks. Please correct me if I am misstating, but I thought I heard you say that you had at least one discussion, possibly several discussions with members of the defense attache's office, but appeared to quickly come to the conclusion that nothing was available on that night that could render assistance. Is that a fair assessment?

A Based on what I heard him tell me, that was my conclusion.

Q Okay. And I wanted -- well, I'd first like to ask, when

you were reporting in to Main State, how were you doing that? Was that over a phone call?

A Phone call.

Q Okay. Was that a classified phone call?

A Cell phone.

Q Cell phone. Okay.

A We didn't have -- I think we had -- we might have had a satellite phone, but I think the bandwidth was so bad it was almost worthless.

Q Okay. And when you were having discussions with Assistant Secretary Jones, Acting Assistant Secretary Jones, that was over an unclassified cell phone, correct?

A Yes.

Q Okay. And I think you describe that as mostly a one-way conversation of questions being asked of you and you providing information. Is that right?

A For the most part, yes.

Q Okay. One thing I just would like to clarify a little bit. You were asked in the last round whether anyone at Main State had requested or asked you to request diplomatic clearance or flight clearance for incoming U.S. Government assets. And I'd just like to ask, based on your understanding that no assets were quickly or readily available, why would you ask for country clearance or diplomatic clearance for assets that have yet to materialize?

A That is a very interesting question. So this

comes -- this -- prior to 9/11, the defense attache and I had observed behavior in Benghazi that had piqued our interest. Every time we flew a drone over Benghazi there was a press report about it, and the local Islamic militias, in particular, complained vociferously about a drone being flown over Benghazi.

So the defense attache and I had come to suspect that there was an extremist mole in the air operation center who was leaking our flights over Benghazi to the press, and we had discussed the possibility of beginning an effort to verify our suspicions.

So had we sought flight clearance for an aircraft, military aircraft coming into Benghazi, there is the potential that incoming U.S. aircraft might have been leaked to the attackers and they might have dispersed in that event.

Q Do you recall undertaking some sort of false planting of information?

A We did not, and there were multiple reasons for not doing so. One is we did not know what contacts were going on between Washington and senior Libyan Government officials, and we did not know whether Stuttgart was in contact with senior defense officials as well. And if we decided to -- we would have needed at least accurate tail numbers to get the clearance.

So we would have had to have had at least some approval within Washington for some -- for this kind of plan, and we were not clear, one, that Washington or Stuttgart would approve it, and two, if we did it on our own, we were not sure that Washington or Stuttgart might say

that, you know, disavow the gesture. And so we quickly shelved the idea.

But the point here is that had we been asked, there may have been -- for flight clearances, for any -- any U.S. military in-flights that night, one, they would have been approved, and two, the very request for such clearances might have had a salutary effect on our position in the city.

Q I understand. It also sounds like the opposite side of that is that there may have been some operational secrecy elements to that that may have been compromised as a result of passing that information to the Libyans.

A Possibly. It just depends on -- again, how you do something is often as important that you do something.

Q Okay. You mentioned tail numbers, for instance. When you apply for these clearances, is it your experience that the Libyans, they need detailed information about what's actually coming into their country?

A You have to tell them the kind of aircraft and you have to tell them the tail number, and so -- and at least so far as I know, tail numbers correspond to aircraft type.

Q And from where you were sitting in Tripoli on the night of the attacks, had that information been sorted out, to your understanding, elsewhere at AFRICOM or anywhere else?

A There's no evidence that it was. All I'm saying is this is a hypothetical that I'm positing.

Q Okay. You were asked about a discussion you had with the Libyans related to whether the FAST team would deploy in civilian clothing. Is that right?

A Uh-huh, yes.

Q I may have missed the reasoning you gave, but it sounded like the Libyan Government had passed that request to you that they deploy in civilian clothing. Is that right?

A There were two issues. They expected it because of the no boots on the ground policy, and so -- and also it was part of the no boots-on-the-ground policy put in place by the administration.

Q So I guess maybe I don't -- I'm having a little hard time following that. So the Libyans wanted the Americans to do something because the Americans had this boots on the ground policy. It wasn't a Libyan policy. It was an American policy.

A Well, it was a policy that they also accepted and agreed with and welcomed.

Q And do you know why that was important to them?

A It was important to them to -- that there be no visible American or foreign military presence in Libya.

Q Was there a concern that the injection or insertion of U.S. military forces, especially those in uniform, could inflame the situation?

A Could provoke a nationalist response.

Q Okay. Do you think that was a responsible concern?

A I think it was, under the circumstances.

Q And just recall for us, when you're having this discussion about diplomatic clearance, about what time is this occurring?

A For the FAST platoon?

Q I believe that you said you had a discussion about the FAST and then C-130s, they may have been one and the same.

A Yeah, the FAST were being carried by C-130s.

Q Okay. And when was that discussion taking place?

A That was finalized in the meeting with Deputy Prime Minister Abu Shughur at around 6:30.

Q Okay. And at that point several hours had elapsed since everybody had evacuated, all U.S. Government employees had evacuated from Benghazi, correct?

A Yes. In fact, at that time they were -- employees that were evacuated were boarding the aircraft, boarding the C-17.

Q Okay. Did you ever -- did anybody ever tell you that the deployment of the FAST team was delayed in a significant way because of the issue of --

A No.

Q -- flight clearances or --

A I learned about that later.

Q Okay. And what about civilian attire? Did anybody tell you that that significantly slowed the deployment of the FAST?

A Again, I learned about that later.

Q Okay. When you say you learned about it later, what did you learn?

A I learned that they had to stop and change clothes.

Q Okay. And how did you learn that?

A In passing.

Q Okay.

A I think it's also important to keep in mind that they landed 2 hours after -- they landed at about 8:30, and until 6:30 they didn't have flight clearance -- they didn't have clearance to land. So we don't know whether they would have had approval to land had they not stopped and changed clothes. So I'm just --

Q I'd like to return to a discussion we had in a previous round about your understanding of the threat environment in Libya after you arrived at post. We talked a little bit about the situation in Tripoli. We talked about it in Benghazi. You've testified extensively on it as well about your perceptions.

And I just -- I wanted to, for a second, focus on Tripoli in the August time period. Do you recall there being Emergency Action Committee meetings that took place during that timeframe?

A Uh-huh.

Q Okay. Is that a "yes"?

A Yes.

Q Okay. And do you recall what the focus of those EACs were?

A Some of them were general. Some of them were specific. It depended on the circumstance. We seem to have them every other day -- or maybe not that frequently. We had an EAC after the incident with the SST member during the carjacking that I described. We had

an EAC after the gate fell on three of our guards and killed one. We had an EAC after we detected surveillance on the Ambassador. We had EACs as circumstances grew more difficult in Tripoli itself with car bombs, with the attacks on mosques and Sufi shrines. And so, in general, the situation in Tripoli was, in our view, becoming less congenial.

Q Sure. And as the deputy chief of mission, did you have a special role?

A I chaired the EAC.

Q You chaired the EAC?

A That's part of the FAM. DCM chairs the EAC.

Q Okay. Do you remember at any point in the August timeframe there being discussions about Tripoli returning to an accompanied post status?

A Absolutely.

Q Okay. And can you explain for us first what accompanied status means?

A Accompanied status would mean with families.

Q Okay. And had those discussions resulted in a proposal to allow eligible family members to return to Tripoli?

A No, it had not reached that point. The trigger for that was the reopening of Tripoli International School. And I was going to begin the process of discussing with the board the potential reopening of the school for the 2013-2014 school year.

Q Do you remember a discussion, a more limited discussion

about three eligible family members being allowed to return to Tripoli?

A Those were -- eligible family members were personnel, were people who were actually being hired for eligible family member jobs within the Embassy.

Q Okay.

A That's a different category. They were actually coming as employees. It's an arrangement that we have or have had in Iraq and Afghanistan.

Q Okay. With respect to other eligible family members, and you mentioned that you were talking about tying that to the reopening of the school, did you feel comfortable that Tripoli was moving in the direction where that might be possible at some point out?

A In my last conversation with Ambassador Stevens, we both expressed or felt confident that Libya was moving in the right direction.

Q From a security perspective?

A From a security perspective. From a political perspective. And we felt that for that as the political situation improved, the security situation would also improve. The establishment of a government, the negotiation and writing of a new constitution, and the standing up of more professional military and police forces would ultimately lead to greater stability for the country.

We had been impressed by the ability of the Libyans to appoint a president or elect a president from the congress, and we were looking

forward to his selection of a prime minister and appointment of a cabinet to run the country. So the trend --

Q Those events were just beginning to take shape around the time of the attack?

A Yes.

Q Okay. I'd like to talk a little bit about the terrorism threat, in particular. You described a little bit before for us your views, particularly about the Islamist extremist threat, that you were beginning to see indications of extremists aligning with Al Qaeda. I think you also talked about Ansar al-Sharia, in particular, and you mentioned that they -- you'd seen reporting that they had known AQ ties.

Were those discussions, were those incorporated into the EAC? Did the EAC focus on those developments?

A We were cognizant of them. We were clearly aware of them. We had, as I said, a specific credible threat against the Embassy in Tripoli in late August. And so we -- and so we had to manage that risk associated with the mission that we had been assigned.

Q Okay. And do you recall any recommendations coming out of those EACs that would have directly addressed some of the concerns that we discussed about terrorist activity?

A We had a specific set of recommendations that went to Washington for Benghazi. I think that cable has been -- and [REDACTED] was working on a specific set of recommendations with respect to Tripoli.

Q Okay.

A But 9/11 intervened. We eventually sent -- we eventually

revised and updated that set of issues and sent that cable in, in October.

Q Okay. And you say a set of recommendations was sent to Washington about Benghazi.

A Uh-huh, yes.

Q Was that related to an August 15 Emergency Action Committee meeting?

A Yes.

Q Okay. And was that something that the special mission in Benghazi sent directly to D.C.?

A No. It passed through -- it passed through Tripoli.

Q Okay. And so Tripoli ultimately sent that cable. Is that correct? Or issued that cable?

A I don't -- yeah, I think we did, because I don't think Benghazi had cable-sending capability.

Q Okay. I'd just like to ask real briefly, do you recall discussing with the RSOs and the principal officer in Benghazi at that time the results of that EAC and what the contents of that EAC cable would look like?

A Yes, and both the Ambassador and I cleared on that cable.

Q Okay. What I'd like to do at this point, and this will be probably the last section before we move to our final section, we'll mark exhibit No. 5.

[Hicks Exhibit No. 5

Was marked for identification.]

BY MR. KENNY:

Q And so I'll just identify this document for the record, give you a chance to review it. This is document number C05578211. The top is an email from [REDACTED] to Gregory Hicks and others dated August 16, 2012. "Subject: Forward: U.S. Mission Benghazi draft EAC cable," close quote.

You ready, sir?

A Sure.

Q Okay. So the beginning of the email, the bottom of the chain here on page 1, it's from [REDACTED] to [REDACTED], you, and [REDACTED]. We talked a little bit about [REDACTED], the principal officer in Benghazi, as well as [REDACTED], the RSO in Tripoli. Do you recall who [REDACTED] was?

A I believe he was one of the ARSOs at Benghazi.

Q Okay. And he says here: "Attached is an EAC cable I drafted. PO [REDACTED] has cleared for Tripoli's review."

In the email above you replied, and also included the Ambassador on the "cc" line: "Thanks, [REDACTED]: I had a couple of questions and a couple of suggested edits. Looping in the Ambassador. Regards, Greg."

One email up from that [REDACTED] then replies, but I'll notice there that [REDACTED] may be the author of that, but I see the initials [REDACTED]" at the bottom of that email. Do you see that?

A Yeah.

Q Do you recognize those initials?

A Those are [REDACTED].

Q Okay. So does that top email, does that look like perhaps [REDACTED], the principal officer, using the RSO's account?

A He may have been doing that or [REDACTED] may have just dropped it in.

Q Okay. And the attachment to this document, can you describe for us what this is?

A This is a draft EAC cable.

Q Okay. Is it the same EAC cable we were discussing?

A Yeah, I believe so.

Q Okay. And you mentioned before that there's a set of recommendations that this cable included.

A Yeah. You're correcting me and clarifying the record and 4 years of memory here. This is a cable that described conditions, and it does say at the end a separate set of requests will come.

Q Okay. And I'd just like to note in the first paragraph, it's a summary, it reads that, "The EAC resolved to: (1) update and modify the tripwire matrix to include a "suspension of operations" section, ([REDACTED]) and (3) submit additional equipment/manpower needs to U.S. Embassy Tripoli for review," close quote.

Is it your understanding that those are the main three recommendations that came out of --

A Yes.

Q -- the EAC? Okay. Specifically with respect to that last

recommendation, submit additional equipment and manpower needs to Embassy Tripoli, do you recall if that happened?

A Actually, I don't know that the list was ever compiled.

Q Okay. Is it possible it may have been compiled by the RSO in Benghazi and sent to the RSO in Tripoli and you just wouldn't be aware of that?

A It, I believe, may have been a work in progress.

Q Okay.

A That was never completed.

Q Okay.

A It was overtaken by events.

Q And to tie back to our discussion about the threat environment at the time, the EAC, at least in Benghazi, at least to the best of our understanding, this cable doesn't appear to -- there's a discussion about suspending operations, but it doesn't appear to recommend a suspension of operations. Is that a fair reading?

A Yes.

Q Okay. And there also doesn't appear to be any discussion of closing posts --

A No.

Q -- permanently or temporarily? Okay. And it appears -- did you have an opportunity to review this document?

A Yes.

Q Were you confident or comfortable that the EAC had considered the wide range of security --

A Yes.

Q -- issues in Benghazi? Okay. Did you think that the recommendations were adequate to address some of those security concerns?

A I did.

Q Okay. And I would just like to ask, there are two text boxes here.

A Yes.

Q They are a little difficult to read.

A Yeah, I can't read them.

Q I can try my best. The second paragraph, the header is "DETERIORATING SECURITY SITUATION." There's a sentence in there that reads: "Some of these groups, to include the police force and Western-friendly militias, have attempted to rein in the violence, while others, such as criminal elements, terrorist organizations, and fundamental Islamist militias, are instigating, if not perpetrating, this violence."

And then the word "organizations" in "terrorist organizations" is highlighted. And there's a text box there, and I know it's a little difficult to read, unfortunately, a function of how these documents were produced, my understanding is: "Is there evidence of this? I haven't seen any reporting along this line and none was mentioned in this morning's meeting." Do you see that?

A Yeah.

Q Okay. Is that your comment, sir?

A It may very well be my comment.

Q Okay. And the next sentence reads: "The PO opined that this daily pattern of violence would be the 'new normal' for the foreseeable future, particularly given the minimal capabilities of organizations such as the Supreme Security Council and local police," close quote.

A Uh-huh.

Q And again, there's another text box that highlights the word "daily" and "daily pattern of violence." And then that reads: "Is it really daily? Previous Benghazi reported indicated a lack of pattern, other than violent acts to embarrass political rivals or settle scores with military officers with ties to the old regime," close quote.

A Uh-huh.

Q And same question with respect to that text box. Does that appear to be a comment that you inserted in there?

A Yeah, I would insert that. And again, I would say that definitely prior reporting had not shown daily.

Q Okay. And so you, at least with respect to that second text box, you had questioned whether there was daily reporting. It looks from the email that [REDACTED] responded to you.

A Uh-huh.

Q He replies: "We've seen incidents here on a daily basis. Redacted said at the EAC, 'something is happening every day and something will keep happening every day.'"

A Uh-huh.

Q So do you believe that to be a response to your question?

A That was a response to my comment, and so I believe -- I don't know. I think the final had the term -- had the word "daily" in it.

Q Okay. Moving up to the terrorist organizations. You had indicated in the text box, "if there was any evidence of that." Do you recall if [REDACTED] or [REDACTED] provided that information to you?

A Yeah, I don't see a comment here to that effect or a response to that, and again, I don't know what the final cable said.

Q Okay.

A Ultimately, you know, the Ambassador had final say on what that cable said.

Q Sure. And then the second sentence in that text box: "I haven't seen any reporting along these lines."

Can you just help us reconcile some of the statements you made a little bit earlier about reporting that you had seen about Ansar al-Sharia, other Al Qaeda-affiliated groups with this comment?

A Right. And so here's -- we had evidence of and reporting on AQIM being in the country. And again, this is a Benghazi-specific cable. We had evidence of Al Qaeda establishing a base in Derna or Al Qaeda-affiliated militias being in Derna, and we had evidence of ties between Ansar al-Sharia and AQIM and the group in Derna. And so --

Q At this point in time?

A At this point in time. But to call Ansar al-Sharia a terrorist organization at that time would have been a stretch.

So were terrorist organizations active in Benghazi? The answer is we hadn't seen it. What we had seen, again, was Islamist militias who may or may -- who had apparently or reported ties to Al Qaeda active in the city. I hope that helps explain.

Q Yeah. I think it does and --

A It's a legal -- when we talk about a terrorist organization, we're talking about a legal term.

Q Sure.

A And so -- and there are organizations that are listed by the State Department as terrorist organizations.

Q But AQIM was a --

A Was there. And we had seen evidence of them, but again, in the country and perhaps in and out of Benghazi.

Q So I see. And if I understand you correctly, it sounds like -- and you said that this was a Benghazi-specific cable.

A Right.

Q But that maybe some of that reporting that was describing terrorist activities in the country writ large may not have been appropriate to include in this cable?

A Correct. And so again, is that -- can we -- can we say "terrorist organizations," and the answer is, you know, what's the evidence that Al Qaeda is present in Benghazi?

Q And you didn't see any at that point in time?

A This was August 15th.

Q In August 15th, you didn't see any evidence of that?

A I had not seen any particular reporting to that effect.

Q Okay.

A Of them being in the city of Benghazi.

Q Do you recall if the Ambassador weighed in on this particular discussion or this cable?

A I believe he did.

Q Okay.

A And again, I don't know -- I don't have the final -- you know, the reason why I brought him in, because I wanted him -- his say on the final version of what this cable had to say.

Q Okay.

A And so again, final version, I don't have it in front of me, it went out 4 years ago. And so the point here is the Ambassador may -- you know, it was his decision, ultimately, what that cable said.

Q Sure. Do you recall that he generally agreed with your comments here? I know it's difficult with the passage of time?

A If he had overruled me, he would have -- I wouldn't have worried about it. He was the expert. I was not.

Q Okay.

A And so -- you know, but my opinions here, I'm asking questions and basically saying: Listen, terrorist organizations, in the legalistic sense, that we -- and the term that we apply, are they active on a daily basis in Benghazi? The answer at that time was it's

not clear.

Q Okay. I think at this point we'll shift into our final section here, and we'll try to work through this as quickly as we can.

Again, this is going to be -- it's a series of allegations that the minority staff has collected. We ask it of every witness that we interview. And so what we're asking is whether you have any firsthand evidence or knowledge that would support the allegation. If we do -- or if you do, we'd just ask for you to provide that for us. If not, we can move on to the next --

A Okay.

Q -- next allegation.

The first allegation is, it's been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q I'll move to the next allegation. It has been alleged that Secretary Clinton personally signed an April 2012 cable denying

security to Libya. The Washington Post Fact Checker evaluated the claim, assigned it four Pinocchios. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner military support for military operations in Libya in spring 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report that was issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," close quote, and that they found, quote, "no support for this allegation," close quote.

Do you have any evidence to contradict the House Intelligence

Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I have none.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I was briefed to the contrary.

Q The next allegation. A team of CIA security personnel was temporarily delayed from departing the Annex in Benghazi to assist the Special Mission Compound, and there have been a number of allegations about the cause and the appropriateness of that.

The House Intelligence Committee issued a bipartisan report. It concluded that that team was not ordered to stand down, but that instead there were some tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down order to CIA personnel?

A I have no evidence in either direction.

Q Putting aside whether you may personally agree with that decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A The real question here is not the timing of a response from

the CIA base, but who put the base commander in such a terrible moral position? Who put the chief of base in the situation where he had to choose whether to expose himself and his own people to grave security risk in order to rescue his State Department colleagues who were under attack? That's the fundamental question that needs to be answered.

Q Okay.

Ms. Sachsman Grooms. So is that "no evidence" to that specific question?

Mr. Hicks. Yes.

Mr. Kenny. Yes, no evidence?

Mr. Hicks. No evidence.

BY MR. KENNY:

Q Okay. A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I will say this. A political officer at the Embassy was asked to review Ambassador Stevens' email after the events. In going through that email, she reported to -- or after going through his email -- and this was in response to the State Department request for information -- she reported to me that every email that had to do with security had been removed from his account.

Q And maybe we can unpack that a little bit.

A Uh-huh.

Q So you said the political officer -- and this is at Embassy Tripoli?

A Uh-huh.

Q So this is [REDACTED]?

A No, this is [REDACTED] and I can't remember her last name.

Q Okay. So that individual was asked to review Ambassador Stevens' emails after the attack?

A Yes, to ensure that all emails related to Benghazi had been forwarded to State Department authorities who were collecting all materials related to the incident for the ARB.

Q I see. So she was tasked to provide those emails?

A Yes.

Q To your understanding, did she provide those emails, Ambassador Stevens' emails?

A She provided the emails that she found, but she, again, related to me that in her review of his accounts, there were no emails on security to be found.

Q And was that something she discovered after she had forwarded the emails?

A This was an observation she made as she reviewed his email accounts for the response to the ARB.

Q Okay. So she was tasked to review Ambassador Stevens' emails, and she made a comment to you that in the course of her review

she didn't see emails related to security.

A That's correct.

Q Okay. But I'm not sure if I heard you correctly, that you said that they had been removed.

A She characterized it as removed.

Q Okay.

A She expected --

Q Did she have evidence of the fact that they were removed?

A She expected to find emails on security in his email accounts, as she knew that she had been part of security-related email chains, and she -- when she did not find them --

Q Uh-huh.

A -- or any other emails associated with security. We have -- we have markers on emails that indicate that they are security related. So again, all I'm doing is telling you what she told me.

[5:25 p.m.]

BY MR. KENNY:

Q Okay. And at that time his emails was physically housed at embassy Tripoli, correct?

A Yes.

Q So who would have had accesses to his emails at embassy Tripoli?

A Well again, also all those emails are backed up in Washington, and Washington controls email accounts.

Q Okay. But, and correct me if I am wrong, because I think we had a little discussion at this maybe earlier about email accounts that move with employees as they move from office to office?

A Correct.

Q If D.C. had an ability to reach out to the ambassador's emails in the first place why did they contact the political officer to review his emails?

A You're asking the wrong person that question. I am not an IT expert.

Q Sure.

A All I'm saying is I'm relating what political officer at Embassy Tripoli told me after she went through Ambassador Stevens' email accounts per instructions from Washington.

Q Okay. And when was that discussion?

A That was in mid-September.

Q Mid-September. Okay. And at that point had you provided

or been asked to provide any of your emails?

A Yes.

Q Okay. And you did forward your emails?

A Yes.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q Did you ever tell anyone that before? Did you tell the ARB when you were interviewed?

A I was never asked the question by the ARB.

Q So you've never shared with anyone before the information that you've just now shared with us about --

A That's correct.

Q -- ■■■ sharing this information with you?

A That's correct, that's correct. Because no one -- you are the first people to ask me a question, this question.

Q Did you have concern at the time that there were no security related emails in Christopher Stevens' account? And therefore --

A I was concerned, but I did not at the time believe that there was anything that I could do about it.

Q Did you share that concern with anybody at the time? Did you talk to anybody about it or share it with your superiors?

A I did not.

Q And she had pointed out that she knew she was on some security related emails with Christopher Stevens, so for those emails one assumes she would have searched her own accounts and those would

have been provided to the ARB, right?

A Correct. But she didn't find them in his account or again -- at least this is what she said in any other security related emails.

Q And one possibility for that is that Chris Stevens erased some of the emails in his own account. Is that right?

A Conceivably.

Q Did security related emails coming from Christopher Stevens, would those emails have cc'd the RSO in Tripoli?

A They might have, they might not have. They might have been emails that he was cc'd on, but they may have been interactions between Chris and people in Washington as well. To which none of us may have been a party. He had conversations Beth Jones and Liz Dibble that weren't singular to him.

Q Okay. Ostensibly those emails would have been picked up with Beth Jones or Liz Dibble searched their accounts, correct?

A Conceivably, yes.

BY MR. KENNY:

Q So I have a few other questions just related to the general allegations.

A Okay.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that are provided to the ARB?

A I don't know of any such instruction.

Q We will ask the questions also for Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to Congress?

A I have no such information.

Q It has been alleged that CIA Deputy Director, Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA faithfully performed our duties in accordance with the high standards of objectivity and nonpartisanship.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A Well, that's a tough question.

Q Again just looking for if you have any firsthand knowledge.

A Firsthand knowledge that he --

Ms. Toensing. Wait a minute. You said any evidence, that's not related to firsthand.

Mr. Hicks. You know, again Mr. Morell did not access, and has testified to the effect that he did not allow his people to contact any of the survivors or any -- or myself, or any of the other officers at the mission. He specifically ignored the input of the chief of station in formulating those talking points.

Q Okay. The first piece of what you said, I'm not sure that I'd heard that before, where you said that Morell -- I believe you said he stated or publicly stated before that he didn't allow his people

to contact?

A I believe there was testimony to this affect in front of the HPSCI.

Q Okay. So your understanding for that question though is based on his prior testimony?

A Yes.

Q Okay. And then for the second piece when you said he specifically ignored the input of the chief of station --

A Yes.

Q -- in formulating the talking points, did you have an understanding of the genesis of those talking points whether Mike Morell was responsible for originating or creating them?

A At the time or after the fact?

Q Well, we can speak today if you have any --

Ms. Sachsman Grooms. How about this, in the second explanation you gave for why you think that Mike Morell deliberately lied, in the talking points, was that he ignored the input of the chief of staff in formulating the talking points.

Ms. Toensing. Chief of station.

Mr. Hicks. Chief of station.

BY MS. SACHSMAN GROOMS:

Q I'm sorry. The chief of station?

A Chief of station and specifically did not, or did not allow, his analysts to refer to, or reach out to, or contact eye witnesses who survived the attacks or other officials at the embassy who had

firsthand knowledge.

Q And is your information from that also from Mr. Morell's public testimony?

A Yes, I believe so.

Q Okay. So this is from his public testimony?

A Right.

Q Great.

Mr. Kenny. Do you have any evidence that CIA deputy director Morell altered the talking points provided to Congress for political reasons?

Mr. Hicks. Do I have evidence? How do you define evidence?

Ms. Toensing. How do you define political?

Mr. Hicks. How do you define political -- purposes? I think those talking points speak for themselves.

BY MR. KENNY:

Q Okay. We've talked a little bit about next allegation you have previously testified about it as well. It has been alleged Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A Evidence that she intentionally did? Well, she not only read the talking points, but then she expanded upon the talking points that she was given.

Q Do you have any evidence that she intentionally misrepresented facts?

A Intentionally? Was she unaware of the actual facts only the ground? I can't speak to that.

Q Okay.

A And I can't speak to whether she was or was not aware.

Q Okay.

A I mean, certainly people in the process of the drafting of that -- of those talking points were aware of the counterfactual reality that took place.

Q Okay. So it sounds like no, your answer is no, that you don't have any evidence?

A All I can say is that again, what I said before in reporting to Beth Jones that there was no reporting about a demonstration.

Q The next allegation, it has been alleged that the President of the United States was quote "virtually AWOL as Commander in Chief" close quote, on the night of the attacks and that he was missing in action. Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A I was in Tripoli.

Ms. Toensing. How many of these are there because these are really silly. You said they'd take about 10 minutes, it's been 20.

Mr. Kenny. We are actually close to the end and it is a set of questions that we ask of all of our witnesses.

Ms. Toensing. They are contrived and silly.

Ms. Sachsman Grooms. Well, let's just finish them. Thank you.
Keep going. It would be faster if we finished.

BY MR. KENNY:

Q Again these are public allegations.

It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

Republican staff report issued by the House Armed Services Committee found that, quote "there was no stand down order issued to U.S. military personal in Tripoli who sought to join the fight in Benghazi." close quote. Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A They were ordered to stand still.

Q And that information is based on?

A My personal conversation with Colonel [REDACTED]

Q Okay.

A They were specifically ordered -- his order to proceed to Benghazi was countermanded.

Q This will be the last allegation. It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. The former Republican Congressman and chairman of the Armed Services Committee Howard "Buck" McKeon conducted a review of the attacks after which he stated quote "given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did." close quote. Do you have any evidence to contradict Congressman McKeon's conclusion?

A Subsequent information would suggest that the CIF, which was in Zagreb in Yugoslavia that night -- this is based on public information entirely -- could have reached Benghazi before the mortar attacks transpired. According to the annex in the HPSCI report, their response time was [REDACTED] and flying in a C-17 -- the flight time in a C-17 to Benghazi from Zagreb is approximately 2 hours. The flight time in C-130 from Zagreb to Benghazi is approximately 3 hours.

Q Okay.

A So had the CIF been mobilized to go to Benghazi after Secretary Panetta received the instruction from the President to do everything possible to help our people in Benghazi, they would have arrived in Benghazi prior to the mortar attack.

Q And you said that that understanding was based on publicly available information, Is that correct?

A Yes.

Q You had mentioned that your understanding was there is an

█ requirement?

A That's what I read in the HPSCI and in the annex to the HPSCI report.

Q Okay.

A The response time for fighters from Aviano was █ at 5 o'clock at that point.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A The absence of action is indicative. The President gave an order.

Q Okay.

And with that, that concludes our round. We'll go off the record. I guess.

[Recess.]

Ms. Jackson. We do understand Mr. Hicks that you do have a statement that you would like to --

Mr. Hicks. I'm just going to hand it to her.

Ms. Jackson. Should we mark it as Exhibit Number 6?

Mr. Kenny. Yes. This will be Exhibit Number 6 and we'll just identify it for the record.

[Hicks Exhibit No. 6

Was marked for identification.]

Mr. Hicks. That way I save time. You guys can photocopy it.

Ms. Sachsman Grooms. Is it classified or unclassified.

Mr. Hicks. It's unclassified.

Ms. Jackson. For the record, Exhibit 6 is at the top entitled Gregory N. Hicks, statement to the House Select Committee on Benghazi, April 14th, 2016, and it is a 3-page document. And we're now off the record. And the interview is concluded.

[Whereupon, at 5:50 p.m., the interview was concluded.]

EXHIBIT 1

C06122236 UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122236 Date: 12/08/2016

SCB0076533-MOU

From: Kennedy, Patrick F </O=CLASSSTATE/OU=SES AG/CN=RECIPIENTS/CN=KENNEDYPF>
Sent: Sunday, July 15, 2012 8:49 AM
To: 'Neller, Robert B LtGen JCS J3' <[redacted]>
Cc: [redacted] COL JCS J3 NMCC <[redacted]>;
 [redacted] CAPT JCS J33 DDRO JOD AFRICOM
 [redacted] JCS J33 DDRO FO
 [redacted] SES JCS OCJCS
 [redacted] JCS J5 COS
 [redacted] Maj Gen JCS J3 VDJ3
 [redacted]
 [redacted] Col <[redacted]> LTG
 JCS DJ5 <[redacted]>
 [redacted]
Subject: RE: DoD support to US Embassy Tripoli

Bob

It will be sometime before we have an MSG Det as we are still in cobbled together interim facilities

Regards

pat

-----Original Message-----

From: Neller, Robert B LtGen JCS J3 [mailto:[redacted]]

Sent: Friday, July 13, 2012 9:41 PM

To: Kennedy, Patrick F

Cc: [redacted] COL JCS J3 NMCC; [redacted] CAPT JCS J33 DDRO JOD AFRICOM; [redacted]

[redacted] JCS J33 DDRO FO; [redacted] SES JCS OCJCS; [redacted] JCS J5 COS;

[redacted] Maj Gen JCS J3 VDJ3; [redacted]

[redacted] JCS DJ5; [redacted]

Subject: RE: DoD support to US Embassy Tripoli

Classification: SECRET

Roger.

Thanks.

Will inform AFRICOM.

If/when do you anticipate requesting a Marine Security Detachment?

V/R Neller

-----Original Message-----

From: Kennedy, Patrick F [mailto:KennedyPF@state.sgov.gov]

Sent: Friday, July 13, 2012 6:31 PM

To: Neller, Robert B LtGen JCS J3

Cc: [redacted] COL JCS J3 NMCC; [redacted] CAPT JCS J33 DDRO JOD AFRICOM; [redacted]

[redacted] JCS J33 DDRO FO; [redacted] SES JCS OCJCS; [redacted] RADM JCS J5 COS

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122236 Date: 12/08/2016

Subject: RE: DoD support to US Embassy Tripoli

From: Lamb, Charlene R

Sent: Thursday, July 12, 2012 5:36 PM

To: Boswell, Eric J

Cc: [REDACTED]; Bultrowicz, Scott P; [REDACTED] (USUN)

Subject: RE: DoD support to US Embassy Tripoli

Bob,

We are not/not requesting an extension of the team; and deeply appreciate the support we have had.

We have finally been able to obtain weapons permits for the 11 new locally engaged Embassy bodyguards late last week and are in the process of integrating them into our operations.

And we are working to get one of our own new paramedic types in shortly.

Again, many thanks for the support. We could not have done it without you.

Regards

pat

-----Original Message-----

From: Neller, Robert B LtGen JCS J3 [mailto:[REDACTED]]

Sent: Wednesday, July 11, 2012 2:46 PM

To: Kennedy, Patrick F

Cc: [REDACTED] COL JCS J3 NMCC; [REDACTED] APT JCS J33 DDRO JOD AFRICOM; [REDACTED]

[REDACTED] JCS J33 DDRO FO; [REDACTED] SES JCS OCJCS; [REDACTED] JCS J5 COS

Subject: DoD support to US Embassy Tripoli

Classification: SECRET

Ambassador Kennedy,

Request to know DoS intention regarding AMB LIBYA's below request to extend the DoD security team in Tripoli?
The currently approved plan is for the AFRICOM sourced SST to redeploy from Tripoli on 4 August without replacement.

Will you have contract or other security in place by then or is your intention to request another extension of the DoD

C06122236 UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122236 Date: 12/08/2016

provided security via an EXECSEC request?

In order for all/part of the SST to be extended, we need to give USAFRICOM time to respond, determine potential sourcing solutions, and gain SecDef approval to continue the mission.

If you want to transition to a Marine Security Detachment or a USMC FAST we can start to look at what it will take to get that in place, but again I will need your updated request.

As we have discussed since Operation UNIFIED PROTECTOR ended, our goal has been to normalize our support to US Embassy Tripoli and our mil-to-mil relationship with Government of Libya.

We will continue to collaborate with you to achieve this goal.

Thanks.

V/R Neller

MRN:

12 TRIPOLI 690

Date/DTG:

Jul 09, 2012 / 091316Z JUL 12

From: AMEMBASSY TRIPOLI

Action: WASHDC, SECSTATE ROUTINE

E.O.: 13526

TAGS: ASEC, AMGT, MARR, LY

Captions: SENSITIVE

Reference:

A) 12 TRIPOLI 582 - INTERIOR MINISTER DISCUSSES BILATERAL RELATIONSHIP AND SECURITY CONCERNS

B) 12 TRIPOLI 622 - LIBYA'S FRAGILE SECURITY DETERIORATES

C) 12 TRIPOLI 586 - TRIPOLI - EAC - 06/20/2012

D) 12 TRIPOLI 37 - TRIPOLI EAC

E) 12 TRIPOLI 512 - TRIPOLI EAC

F) 12 TRIPOLI 39 - TRIPOLI EAC

G) 12 TRIPOLI 504 - MISSION LIBYA- UPDATED TRIPWIRES

Subject:

TRIPOLI -- Request for extension of TDY security personnel

1. (SBU) Summary and Action Request: Embassy Tripoli requests continued TDY security support for an additional 60-days, through mid-September 2012. Post assesses a minimum of 13 TDY U.S. security personnel, either DS MSD, domestically assigned HT trained DS agents, DS SPS, or DOD/SST personnel or a combination of these personnel, are required to maintain current transportation security and incident response capability while we transition to a locally based security support structure. Post also requests continued TDY support of 2 DS agents until the RSO reaches a planned full-time staffing level of five (5) agents. These TDY security needs do not include MSD security personnel involved exclusively in training the local guard force (LGF) and LES close protection team/bodyguards. Post understands and appreciates ongoing efforts by DS to identify and deploy TDY resources to meet our security needs during the next 60-90 days. End summary and action request.

UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122236 Date: 12/08/2016

2. (SBU) Conditions in Libya have not met prior benchmarks established by Post, the Department, and AFRICOM, for a complete drawdown of TDY security personnel. Overall security conditions continue to be unpredictable, with large numbers of armed groups and individuals not under control of the central government, and frequent clashes in Tripoli and other major population centers. National parliamentary elections have been delayed from 6/19 to 7/7, with post expecting an increased likelihood of election related political violence during and after the election period.

3. (SBU) While post has made a number of procedural security enhancement and physical security upgrades, our efforts to normalize security operations have been hindered by the lack of host nation security support, either static or response, an increase in violence against foreign targets, and GoL delays in issuing firearms permits for our LES close protection/bodyguard unit. Despite field expedient physical security upgrades to improve both the temporary Embassy and Villas compound, neither compound meets OSPB standards. Recognizing the growing challenges to Libya's fragile security environment, the Department increased Post's danger pay allowance from 25 percent to 30 percent on July 1st.

4. (SBU) Under current arrangements, Post's thirty-four (34) U.S. security personnel (16 SST, 11 MSD, 1 WAE TDY, 1 RSO, 2 ARSOs, and 3 TDY ARSOs) will draw down to twenty-seven (27) security personnel on 7/13. On 08/05, post will reduce U.S. security personnel to 4 MSD trainers, 1 RSO, 2 ARSOs, and 3 TDY ARSOs), with a further reduction to seven U.S. security personnel on 08/13, which includes four (4) MSD trainers not generally supporting transportation security, VIP visits, or RSO programs.

5. (SBU) As the Regional Security Office seeks to transition from emergency to normalized security operations, the continued presence of TDY security personnel is essential to support our daily movement and the continuing high volume of senior-level visits, provide static security in the absence of an appropriate host nation security presence, and assist our Mobile Security Detachment (MSD) colleagues in the training of our newly hired LGF members and locally engaged bodyguard force. SST's deployment has been critical to our ability to navigate the transition to a more locally-based security team while continuing to support a high-volume of VIP visits and expand our U.S. Direct Hire (USDH) staff (refuels A-G). Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi.

6. (SBU) With the receipt of firearms permits for 11-members of Post's LES close protection team, RSO anticipates limited deployment of team members to support Ambassador, DCM, and QRF details. However, this deployment will continue to require U.S. security personnel support and leadership until the close protection team (CPT) is fully staffed with 24 members. A second group of 5 members of LES CPT members complete MSD led initial training on 7/18 and could be fully deployed once firearms permits have been received from the Ministry of Interior. Permits for the first 11 LES close protection team members took more than 2 months and required Ambassadorial intervention with the Minister of Interior. While post anticipates a quicker response with this next round of permits, recruitment efforts of qualified applicants for the remaining CPT positions remains slow. As of 7/5, Post has identified only 2 of the remaining 8 candidates for the 3rd and final MSD led training course for new LES CPT.

7. (SBU) RSO and Post continue to engage host nation and is in the process of constructing and refurbishing climate controlled guard booths at the temporary Embassy and Residential Villas compound as part of a plan to entice Ministry of Interior security support. Additionally, RSO has had initial discussions with Ministry of Interior police leadership, who expressed interest in signing a MOU for stipends to support a sustained presence of MoI officers at the aforementioned properties. However, despite assurances of support from throughout the MoI, to include from the Minister directly, the reality is that the GoL remains extremely limited in its ability to sustain a security support presence at USG compounds (REFTEL B).

8. (SBU) RSO and Post will continue to examine ways to augment the internal defense and static security profile at USG compounds in Libya, to include consideration of a partial arming of supervisory personnel in the LGF. Post anticipates that full implementation of armed supervisor LGF members could take up to 60 days for selection, training, equipping, policy approvals and deployment. Given the GoL's traditional sensitivities regarding armed security personnel, Post does not recommend deployment of either an armed LGF or CPT element without notification to and licensing from the GoL.

9. (SBU) Post appreciates Department's support and guidance as we work to build up local capacity to address security requirements.

Signature:

STEVENS

Drafted By:

TRIPOLI {

Cleared By:

POL-ECON {

Approved By:

EXEC:Stevens, John C

Released By:

TRIPOLI {

Sensitive

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EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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From: Hicks, Gregory N
Sent: Monday, August 20, 2012 3:40 AM
To: [REDACTED]
Cc: Stevens, John C
Subject: RE: Notional Schedule for PO Benghazi - Reality Check

Thanks [REDACTED] The Ambassador, [REDACTED] or I can probably cover Benghazi during that week in November, other things being equal. Cheers! Greg.

From: [REDACTED]
Sent: Sunday, August 19, 2012 6:06 PM
To: Hicks, Gregory N; [REDACTED]
Cc: Stevens, John C
Subject: RE: Notional Schedule for PO Benghazi - Reality Check

Greg,

Wa antum bi-khayr aidan!

This looks right to me; [REDACTED] is confirmed for the time period below, and we are working with CSO to lock down travel for [REDACTED]. Please note that [REDACTED] has a commitment in Washington during the second week of November (the U.S.-Swiss strategic dialogue); CSO or Embassy Bern will pay for that travel.

Best,
 [REDACTED]

From: Hicks, Gregory N
Sent: Sunday, August 19, 2012 4:22 AM
To: [REDACTED]
Cc: Stevens, John C
Subject: Notional Schedule for PO Benghazi - Reality Check

Hey MAGsters:

Id Mubarak and Kul 'am wa antum bi-khayr!

Here's our notional understanding for the staffing of PO Benghazi from [REDACTED] departure through December. We would welcome your reaction and confirmation that we have this right.

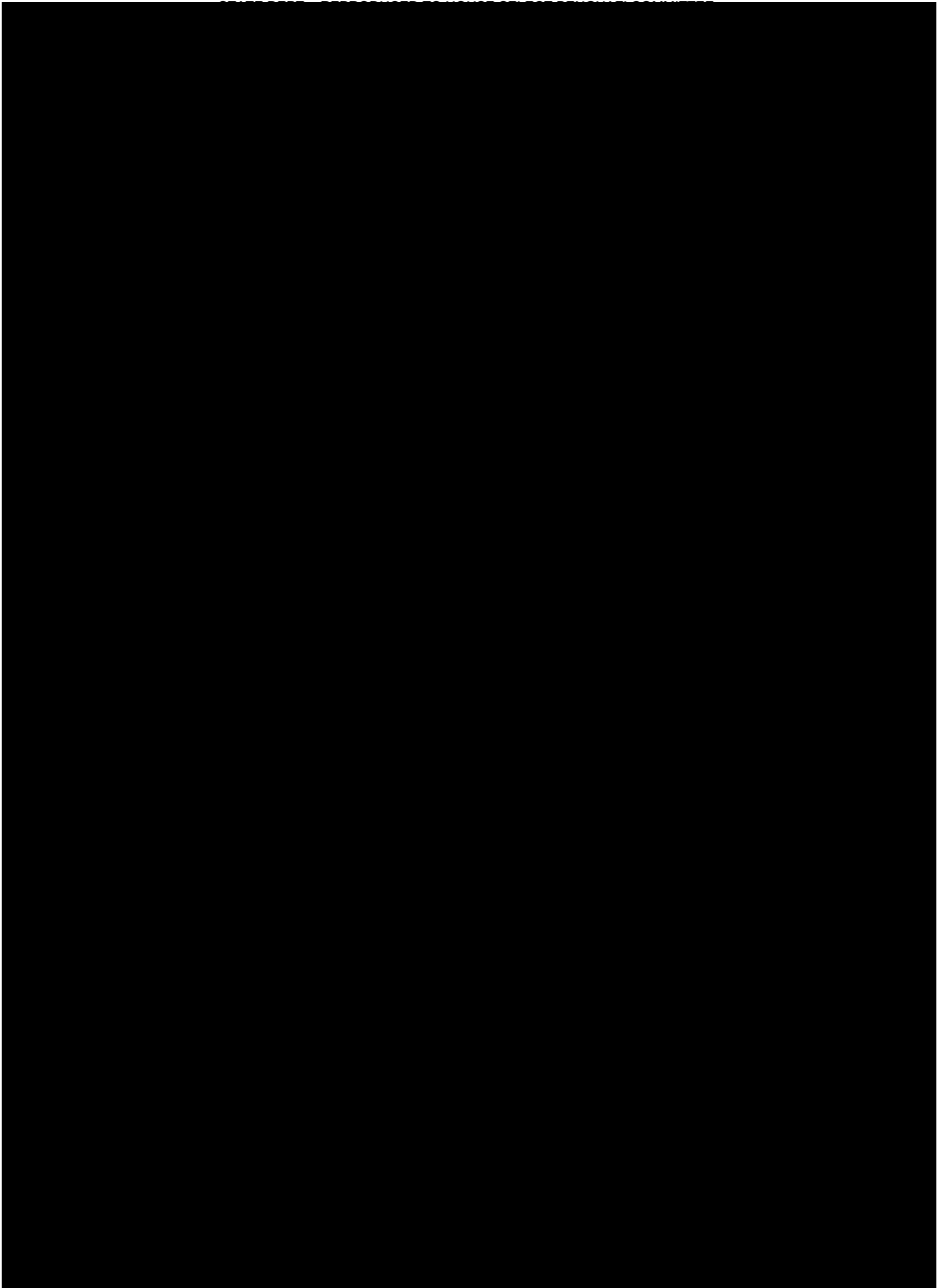
Sept 1-8 - [REDACTED]
 Sept 8-15 - Amb. Stevens
 Sept 15-Oct 15 - [REDACTED]
 Oct 15 - Dec 31 - [REDACTED]

Best Regards and Thanks,

Greg.

SBU

EXHIBIT 3



STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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From: [REDACTED]@gmail.com]
Sent: Friday, September 14, 2012 8:07 AM
To: [REDACTED]
Subject: Re: Log of events on 9/11/12 - 9/12/12

Follow Up Flag: Follow up
Flag Status: Flagged

21:45 First report of attack

21:45 DOD: Contacted AFRICOM to divert ISR asset to overfly consular location

21:50 DCM made contact w/ [REDACTED] they said they are aware of the situation – 17 Feb militia,

21:53 20 individuals have attacked

21:56 RSO: there is gunfire, there are explosions in the compound, they tried to penetrate the front gate

21:57 DAT: called General al-Hassi, he will check into it and get back to us

21:59 RSO: The QRF building is on fire, they're lighting vehicles on fire outside the building. Two people in the cantina.

22:01 RSO: Annex is rallying their people and going over there.

22:02 RSO: They're at the door trying to kick it in, but they're not able to. [REDACTED] are in a different location. They're armed and ready to fight.

22:04 RSO: [REDACTED] are ok, right? Let them take whatever they want out of there. ... They're running toward Charlie one, so there's a chance of... Ok, they're back to your front door.

22:05 DAT: Contacted AFRICOM JOC

22:06 RSO: [REDACTED] is not there yet.

DCM: We understand your guys are on their way but not there yet.

22:07 DCM: All our guys are accounted for. One building on fire.

22:09 RSO: [REDACTED] you still there? Ok.

22:07 RSO: [REDACTED] lost contact with AMB and ... heavy smoke in Villa C with AMB, Scott and Shawn in it.... Is there any way for you to get out of there?

22:10 DCM: No answer from AMB.

22:12 PAO: [REDACTED] calling me.... Phone cut out. The network must be really weak. All I heard was he's safe.

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22:15 RSO: QRF is en route but they're taking fire. They're being shot at.

22:16 DCM: Attackers are inside the compound. Buildings are on fire, including the building the AMB is in.... No, I haven't spoken to him since 21:50.... Yes, that's where we believe the AMB is located.... We talked to El-Hassi and asked him to get the military involved....

22:18 RSO: [REDACTED] did what?... Is Villa C still on fire?...

22:20 PAO: Magdi got a call from Libya Al-Hurra journalist in Washington asking about a fire at our Benghazi compound.

22:21 RSO: Building C still on fire.... Still no contact with AMB.

22:23 RSO: [REDACTED] is trying to fight his way to Villa C. Don't call him.

22:25 ARNDT: Notified Benina airbase – repositioned UAV – requested possible logistic support – aircraft for extraction. Benina airfield offered full support.

22:24 DCM: [REDACTED] going to touch base with [REDACTED]

RSO: Villa C still on fire.

22:26 DCM: News is out, guys.... Just got a text from the Brits.... People are picking it up in DC already.

22:27 DCM: RSOs are trying to get to the building and extract the AMB. We talked to the military and they are responding.... I understand the Secretary is on the line....

22:29 DCM: Just as you called I was calling the MFA to bring them into the loop.... The next person I was going to call was Chief of Staff to Magariaf.... Does that make sense to you, ma'am?

22:31 DCM: [REDACTED]... The AMB is under attack in Benghazi. The building he is in is on fire. I'm calling you to ask for you to call the President and let him know and do everything in his power to do everything in his power to mobilize a rescue effort. ... Please call him, sir.... Thank you, bye.

22:33 DCM: [REDACTED]... Our consulate in Benghazi is under attack and on fire, right now.... AMB is in the building that is on fire and under attack... Please talk with the PM and ask him to mobilize everything possible to rescue him... Thank you, bye.

22:35 POL [REDACTED] SSC... [REDACTED] is working on it right now? If you hear anything will you let me know?

22:35 POL: I talked w [REDACTED] head of UN Security people, he's been on the phone with Fawzi Younis, head of the SSC, he said they're in the process of responding.

22:38 POL: [REDACTED] how is everything? No shooting? Are you with the AMB? Where is the AMB now? ... [REDACTED] Well be careful....

POL: The shooting stopped.

22:38 RSO: 17 FEB are now on location.

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22:40 PAO: [REDACTED] s getting media calls. [REDACTED] says we can tell the press to confirm there's an attack, but that's it.

22:40 [REDACTED] The last report we have is that 17 FEB is engaging.... Thank you very much sir, if you will please.... No sir, that's the last report we have. Thank you sir, thank you.

22:42 RSO: Our guys are going into Villa C right now trying to find the AMB.

22:43 DAT: Seven U.S. pax on the compound.... We don't think anyone's been hurt at this point.... No known injuries.... They have not all phoned in. It seems AMB and one or possibly 2 pax in a separate villa.

22:46 DAT: Hello? [REDACTED] let me call you back in two minutes.

22:47 DAT: We have an asset overhead and we've diverted it to location.... We've contacted AFRICOM....

22:48 PAO: Just got a call from CNN. Confirmed there was an attack. Seems like they thought there were no people there. I said there are people there.

22:50 DAT: [REDACTED] can you call [REDACTED] nurse?

22:51 APAO: Called [REDACTED] requested she come over to TOC in case we can get in touch with injured persons in Benghazi.

22:53 RSO: Right now the compound is clear, perimeter is clear with the Annex. We have 5 RSOs accounted for.

22:54 ECON [REDACTED] Best hospital in Benghazi is Benghazi Hospital.

22:57 DCM: Hello?... Ok... Great.... Appreciate it.... [REDACTED] Pres. Magariaf's ofc) You think he's safe?... Thank you, we appreciate that.... We're in two compounds.... I need to find someone who can tell you where the two compounds are. (gave phone to POL)

23:00 DCM: President's office said they understand the AMB is ok.

23:01 RSO: ... What about the AMB?... IMO is dead. One dead. Sean Smith.

23:02 RSO: It is Sean Smith.

23:03 POL: [REDACTED] ... AMB is fine, you sure? How do you know that? Have you seen him?... [REDACTED] called you and told you AMB is fine... he told you that 5 min ago.... He's fine and out of the compound. ... Who is running the Operation room? Libya Shield?

23:04 ARSO [REDACTED] Local police are in route to this location, to park outside. Should be here shortly.

23:04 [REDACTED] Talked to Benina airfield. They have made available a fixed-wing aircraft and are prepared upon request to extract the AMB if requested.

23:06 RSO: We're trying to confirm [if Sean Smith is dead].

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23:07 RSO: [REDACTED] Pick up the phone!

23:09 POL: If you hear anything would you please give me a call.... Who did you talk to, [REDACTED] or [REDACTED]... They were trying to get out of the house b/c of the fire.... If you hear anything will you let me know?... No, we don't know what the situation is.... No, I did not know that....

23:10 RSO: You confirm one fatality. Did you see a body? Are you able to get him out?... You have not found the AMB yet.... [REDACTED] sees a body. He says IMO.

23:11 DCM: PM Is saying our people are safe and they're arranging a plane.

23:11 DCM: So we can confirm [the death of Sean Smith] to OPS.

23:12 POL: The Annex came in.

23:12 DAT: Putting them on a Libyan military aircraft may not be the best course of action.

23:13 RSO: [REDACTED] yeah! Any update on the AMB?... Are you able to get in the building and clear the building? There's too much smoke to get in the building. There's no way to get in there.... Don't go in there if you can't get in there.

23:13 DCM: IF there's no fire gear they can't get in there.

23:15 RSO: where are you bugging out to? To the Annex. I need accountability: Who do we have?... You recognized him, right? You saw him.... Was anybody able to get to the body? ... You have the body?... You're bugging out to the Annex.... Is the villa still on fire?... Call me when you get to your location.... All the RSOs are ok.

23:17 RSO: They're departing the compound, vehicles are taking fire.

23:17 ARSO [REDACTED] Command Center! Fatality confirmed.

23:18 RSO: Five agents headed to [REDACTED] AMB is unaccounted for.

23:19 RSO: Motorcade is under fire, taking direct hits. They're taking substantial fire.... You're out on the main road.... You're out of the compound... You've lost one tire but you're still mobile.... You have [REDACTED]. Who's driving the vehicle?

23:20 POL: Yes ma'am, let me see if I can find him quickly.

23:22 RSO: Annex and 17 Brigade are staying behind on the compound.

23:22 DCM: Last time I talked with him was 21:50, ma'am.... There are seven Americans on the compound, we've accounted for six.

23:23 RSO: What's wrong with your vehicle? Give me a call when you get there.

23:23 POL: [REDACTED] Have you heard anything else?... You're in touch with [REDACTED]... Let me know if you hear anything. And be careful yourself. It's not safe on the compound itself and the road itself.

POL: He just found out the AMB is missing.

23:25 PAO: Press is reporting clashes b/w 17 Feb and Ansar Sharia.

23:25 ARSO [REDACTED] Tripoli is heading to the Matiga Air Force base, will be wheels up in 45 min to Benghazi to provide support and a medical team.

23:28 POL: [REDACTED] How are you? ... You took a hit? Are you... [REDACTED] ok? Smoke inhalation? Is everybody... Anybody get shot? You safe havened the AMB and then when out to defensive protect him, and then somebody got in? They got in to Villa C? They – the iron gate was locked? The cage was locked? Hunkered down in the ... and lit the villa on fire... [REDACTED] stayed in with [REDACTED] ... You made your way to the cantina and go [REDACTED] ... Take a breath real quick... you did everything you could, are you all right? You're still under attack? Are you at the Annex? You evacuated but the Annex guys are still taking fire at the mission, not the Annex. You're fine at the Annex. You're in firing position. Last known location of the AMB was in the safe haven and then you forward deployed to protection and went and got [REDACTED] out of the cantina and [REDACTED] stayed with the AMB and he got the smoke inhalation ... Did somebody have to pull [REDACTED] out of there? [REDACTED] was trying to drag the AMB out... there was too much smoke and they lost him in the smoke. ... He went back in... tried to find Sean, Sean was dead, I'm so sorry... Did you go back to the place where you remember the AMB laying? And the AMB was not there? When [REDACTED] tried to carry him to the window was he conscious? ... You guys have done everything you can, this is excellent work... Keep your eyes out... You don't think they got him b/c the safe haven was shut from the inside but there was smoke everywhere, right? Do you have Sean with you now? Is his body with you? But he didn't look like he'd been hit, it looked like death from smoke inhalation? ... I need a pen real quick... [REDACTED]

[REDACTED] Ok.... I've got another phone so I'm going to try to call her right now.

23:30 ARSO [REDACTED] Call from [REDACTED] – they arrived at the Annex.

23:35 ARSO [REDACTED] They were still taking gunfire until the time they arrived at the Annex. We have no further update.

23:36 RSO: Evacuated [REDACTED] compound.

23:37 PAO: Facebook page called Tripoli council is calling for an attack on the U.S. Embassy here.

23:38 ARSO [REDACTED] Please make sure we have a police presence here at the villa.... I just called [REDACTED] guards are at high alert.

23:40 DCM: Let's bring everybody in here. And we're not going to work tomorrow.

23:41 RSO: We need to buddy up and go house to house.

23:42 ARSO [REDACTED] Weapons are right here, we're going to open them....

23:43 PAO: On the site Tripoli Council... but it's being spread around?

23:49 (false alarm – evacuate from/to villa 1)

23:50 ARSO [REDACTED]: Compound 4 is clear.

0:00 [REDACTED] (going through accountability list by name)

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0:02 DCM: (going through accountability by villa)

0:09 DCM: Good news... still no confirmation...

0:10 DCM: (briefing Americans in Villa 1)

0:14 RSO: (telling Americans to prepare Go bag)

0:15 DCM: Embassy will be closed tomorrow and we need to tell all FSNs not to report to work. Also in the morning... it is unwise for us to be moving off compound. It's too dicey. ... We may re-evaluate in the morning...

0:45 APAO got a call from Sky news arabia abu dhabi - Ahmad Said who wanted to confirm the death of an employee at the consulate.

0:38 APAO got a call from Munir at Al-Jazeera asking for information about the attack in Benghazi.
 APAO: "All I can tell you is that there was an attack."

2:03- Receive report of an American in the hospital- green eyes, yellow hair. 1200 hospital downtown Benghazi. [REDACTED] (random citizen) is the the caller. 2:07- DATT LTC [REDACTED] calls [REDACTED] to see if he knows a status of the Ambassador. Mentions that we have received a random phone call saying that 2-3 Americans are at the 1200 hospital.

2:10- TOC notes that calls from people using a phone that [REDACTED] used in Benghazi are coming through.

2:25- RSO says an EAC meeting will happen soon.

2:27- TOC receives a call from Arabic speaker- a lot of military personnel are in front of the hospital.

2:33- There is talk of trying to get a picture of the Ambassador at the hospital (if it is, in fact, him).

2:35- [REDACTED] [REDACTED] others continue calling their contacts to get more information.

2:37- EAC meeting is called.

2:38- DCM considering a phased withdrawal of personnel to the annex compound. Great discomfort in making a nighttime move. Security teams are being mobilized- plain clothed. Likely scenario is that [REDACTED] team will assist. Still do not have whereabouts of AMB.

2:41- Possibly moving through crowds of people to get to the annex during daybreak. Will need good American drivers. TDYers will most likely be sent home.

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2:42- DCM explains Washington's instructions that we should consolidate soon.

2:43- Debate over whether or not the Facebook posts are credible threats. DCM feels "better to be safe than sorry".

2:45- Topic of reinforcements is brought up. It could be done if needed.

2:46- RSO reiterates that we cannot defend the residential compound for an hour, and certainly not long term.

2:47- DCM receives call from the Prime Minister's office during the EAC meeting.

2:54- DCM discusses the problems we are facing at the airport with the flight that we sent to Benghazi. Asks for help.

2:55- [REDACTED] asks about encryption equipment. Consensus is that it has been compromised.

2:55- [REDACTED] asks about the duration that we would need to stay at the annex. Answer is that it depends on how much protection and assistance we receive.

2:56- RSO says that we should move to the annex compound at daylight. Drivers who know the route are needed.

2:58- Suitcases are ok to take. We will let people sleep now, and move out early morning.

2:59- [REDACTED] asks which compounds in Tripoli/Benghazi will be abandoned, secured, etc.

3:00- LifeServices contractors? Should we bring them?

From: [REDACTED]
Sent: Wednesday, September 12, 2012 1:07 AM
To: [REDACTED]
Subject: FW: Log of events on 9/11/12 - 9/12/12

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EXHIBIT 4

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From: [REDACTED]@state.gov>
Sent: Wednesday, September 12, 2012 2:08 PM
To: Nuland, Victoria J <nulandvj@state.gov>; [REDACTED]
 [REDACTED]@state.gov>; Burns, William J <BurnsWJ@state.gov>; Sherman, Wendy
 R <ShermanWR@state.gov>; Macmanus, Joseph E (S) <MacmanusJE2@state.gov>;
 S_SpecialAssistants <S_SpecialAssistants@state.gov>; Sullivan, Jacob J
 <SullivanJJ@state.gov>; Kennedy, Patrick F <KennedyPF@state.gov>; Mills, Cheryl D
 <MillsCD@state.gov>; [REDACTED]@state.gov>
Cc: [REDACTED]@state.gov>; [REDACTED] <LakhdirKS@state.gov>;
 NEA-Staff-Assistants-DL <NEA-Staff-Assistants-DL@state.gov>; [REDACTED]
 [REDACTED]@state.gov>; Hicks, Gregory N <HicksGN@state.gov>; Maxwell,
 Raymond D <MaxwellRD@state.gov>; [REDACTED]@state.gov>;
 [REDACTED]@state.gov>; Dibble, Elizabeth L
 <DibbleEL@state.gov>; [REDACTED]@state.gov>; NEA-LIBYADESK
 <NEA-LIBYADESK@state.gov>; NEA-DAS-DL <NEA-DAS-DL@state.gov>;
 [REDACTED]@state.gov>; Gordon, Philip H <GordonPH@state.gov>;
 [REDACTED]@state.gov>; SES-O <SES-O@state.gov>; Jones, Beth E
 <JonesAE3@state.gov>
Subject: RE: Libya update from Beth Jones

From AA/S Jones:

I spoke to Greg Hicks at 12:50pm and he had more good news about the wounded: the Embassy nurse and medic at the hospital judged that their condition had improved sufficiently to merit their movement directly from the hospital to the awaiting C-17; the CCAT team did not need to go to the hospital to help transport them to the plane. They are now on the plane, along with the four caskets. Greg expected the rest of the team traveling to Frankfurt to have completed boarding the C-17 by about 1:05pm DC time.

Other points:

- Greg said the next step is to work with the two Marine FAST teams when they arrive to secure both the Residential and Embassy Compounds. They will then review security situation and, depending on conditions on the ground, they will then consider (with us) re-opening the Embassy. In the meantime, COM personnel will try to get some rest at the [REDACTED] Annex, where Greg described the conditions as crowded.
- Greg met earlier today with the Libyan Deputy PM (DPM), who expressed his deep condolences. Greg thanked him for the additional protection that the GOL has provided at the Tripoli compounds. He explained that the FAST Marines coming later today intend only to provide security for the Embassy and U.S. personnel. The DPM provided confirmation of the verbal agreement the Libyans offered last night to allow the Marines to enter Libya – he asked only that Greg provide a dip note tomorrow outlining the details of their mission.
- The DPM also said the GOL will conduct a thorough investigation into the attacks in Benghazi. When Greg said the FBI would be interested to come to Libya to assist in the inquiry, the DPM said the GOL would welcome the FBI and stands ready to cooperate with them.
- Greg said that S held a video conference with 75 – 80% of the Embassy staff – just before they loaded the motorcade for the airport – and that the staff were “very, very grateful” that she took the time to do this.
- Greg is grateful and supportive of the plan to keep the evacuees in Frankfurt for 7 – 10 days so they could then return to Tripoli, if conditions permit.

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- Finally, Greg asked that MAG and EX work together to ensure that they no TDYers arrive in Libya for at least the next two weeks.

This email is UNCLASSIFIED.

From: Jones, Beth E
Sent: Wednesday, September 12, 2012 9:51 AM
To: Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D; [REDACTED]
Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

Good news: Greg Hicks just called to report that our wounded in the hospital in Tripoli are doing much better. Libyan doctors have apparently served them very well so far.

Greg also said the Libyan PM, Prosecutor General and Attorney General arrived at the hospital this morning (DC time). According to Greg's source in the hospital – the Embassy nurse – the Libyan officials plan to begin carrying out an investigation about the attack in Benghazi last night. Greg said he is headed to the hospital immediately to shield the wounded from any attempts to interview them.

In the meantime, those selected for evacuation are gathering for the ride to the airport

From: Jones, Beth E
Sent: Tuesday, September 11, 2012 6:58 PM
To: Nuland, Victoria J; [REDACTED]; Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] N@state.gov); NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L; [REDACTED]; NEA-LIBYADESK; NEA-DAS-DL; [REDACTED]; Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

Greg Hicks just provided the following update about the three Embassy buildings in Tripoli:

- All 33 COM (State) personnel in Tripoli are accounted for and currently they are all at the Residential Compound.
- [REDACTED]
- No one is currently at the Embassy itself.

I passed on U/S Kennedy's recommendation that the personnel all move together to one compound in Tripoli; Greg said that suggestion made good sense and that he would discuss with the COS as to which compound is the most secure.

Other points:

- Greg said he has closed the Embassy tomorrow, and no one will travel from the residential compound into town except, as necessary, for him, the RSO and the DATT.
- Greg and the RSO held a Town Hall meeting in the last half hour to reassure the Embassy staff; they remain calm and are responding well.
- Greg has requested police protection for the Residential Compound and the [REDACTED] Compound; at the moment, the police are protecting the Embassy. He is checking now on what the extra protection situation is with the

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Residential Compound and the [REDACTED] Compound. [REDACTED] is in touch with the militias with which it works to ensure extra protection.

In Benghazi:

- Greg is working with the COS to make sure he is aware of reports that another mob has gathered in Benghazi headed for the [REDACTED] compound. They will ensure extra protection there, too.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:55 PM
To: [REDACTED] Nuland, Victoria J; [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S. SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED] Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

I just spoke again to Greg Hicks, who himself spoke again to the offices of the Libyan President and Prime Minister, asking them to provide firefighting equipment to the Benghazi compound. He said the PD shop at Embassy Tripoli has found postings on Facebook indicating that the "Tripoli Council" plans to carry out an attack on Embassy Tripoli. He said he was promised increased police protection but it had not yet materialized.

Greg said his team reports that the extremist group Ansar Al Sharia has taken credit for the attack in Benghazi. He heard reports that the February 17 Brigade is currently engaged in a running battle with Ansar Al Sharia; he asked the offices of the President and PM to pursue Ansar al Sharia.

On working to locate Ambassador Stevens, the RSO team and militia are still on compound, which is 50 acres – Greg expressed the hope that Ambassador Stevens is in hiding somewhere on the compound. The PO's residence is still on fire.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:32 PM
To: Nuland, Victoria J; [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S. SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F; Mills, Cheryl D
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L; [REDACTED] NEA-LIBYADESK; NEA-DAS-DL; [REDACTED] Gordon, Philip H; [REDACTED]
Subject: RE: Libya update from Beth Jones

The fighting has stopped, DCM Greg Hicks just confirmed to me. He also confirmed one fatality: Sean Smith – a TDY'er from The Hague – has died. His body has been recovered. The five ARSOs are accounted for, but they're still trying to find the Ambassador. The Principal Officer's residence is still on fire with toxic smoke.

I have spoken to A/S Gordon and Liz Dibble is contacting the Charge at The Hague, [REDACTED], to inform them.

From: Nuland, Victoria J
Sent: Tuesday, September 11, 2012 5:25 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S. SpecialAssistants; Sullivan, Jacob J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED] Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

We just asked NEA for hold lines for press. We are getting besieged.

This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:15 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED]; Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

+Cheryl Mills

From: [REDACTED]
Sent: Tuesday, September 11, 2012 5:13 PM
To: [REDACTED] Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J; Kennedy, Patrick F
Cc: [REDACTED] NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: RE: Libya update from Beth Jones

Just spoke again with Greg Hicks, who confirmed the party includes Ambassador Stevens plus three, not plus four. Hicks has been in contact twice with the Libyan President's office and twice with the Libyan PM's office; their offices assured him they are fully engaged and consider themselves personal friends of Ambassador Stevens. Hicks has been coordinating with the CoS, who has learned from the QRF about the status of the compound – currently they are clearing the compound and working to access the party.

I also urged Libyan Ambassador to the U.S. Aujali to engage on this immediately at the highest level.

From: [REDACTED]
Sent: Tuesday, September 11, 2012 4:49 PM
To: Burns, William J; Sherman, Wendy R; Macmanus, Joseph E (S); S_SpecialAssistants; Sullivan, Jacob J; Nuland, Victoria J
Cc: [REDACTED]; NEA-Staff-Assistants-DL; [REDACTED]; Hicks, Gregory N; Maxwell, Raymond D; [REDACTED] Dibble, Elizabeth L
Subject: Libya update from Beth Jones

All:

Beth Jones just spoke with DCM Tripoli Greg Hicks, who advised a Libyan militia (we now know this is the 17th Feb brigade, as requested by Emb office) is responding to the attack on the diplomatic mission in Benghazi. The QRF is in the compound, engaging the attackers, taking fire, and working its way through the compound to get to the villa, where Ambassador Stevens is in safe haven for extraction. The ARSO is also there in the compound. Greg spoke with Amb Stevens by phone 20 minutes before my call (which was about ten minutes ago). Greg will talk to the Prime Minister's Chief of Staff, and then speak with the Foreign Minister. I have spoken to Langley, who is also in touch with its QRF contacts to ask for engagement. Embassy is sending medical assistance to Benghazi to be on stand-by.

More updates to follow.

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[REDACTED]

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EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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 C05578211 Date: 10/20/2015

Woods, Olivia M

From: Anderson, Jeremy P
Sent: Thursday, August 16, 2012 3:11 AM
To: Hicks, Gregory N; Martinec, John B; Anderson, Jeremy P
Subject: FW: US Mission Benghazi draft EAC cable
Attachments: EAC 082012.docx

We've seen incidents here on a daily basis. [] said at the EAC, "something is happening every day and something will keep happening every day." In the absence of deterrence, I think that pattern will continue. There is certainly no reason for it to stop, and no force to stop it. The NGO rep I met with yesterday agreed, commenting that "for the first time since the Revolution I am afraid."

EVG

From: Hicks, Gregory N
Sent: Wednesday, August 15, 2012 1:50 PM
To: Anderson, Jeremy P; Martinec, John B
Cc: Gaudiosi, Eric V; Stevens, J. Christopher
Subject: RE: US Mission Benghazi draft EAC cable

Thanks Jeremy: I had a couple of questions and a couple of suggested edits.

Looping in the Ambassador.

Regards, Greg

This document is UNCLASSIFIED//NOFORN when separated from SECRET//NOFORN attachment(s).

Classification: SECRET//NOFORN
Classified by: Gregory N. Hicks, Deputy Chief of Mission
Reason: 1.4(c), (d)
Declassify On: 2022/08/15

From: Anderson, Jeremy P
Sent: Wednesday, August 15, 2012 8:26 PM
To: Martinec, John B
Cc: Hicks, Gregory N; Gaudiosi, Eric V
Subject: US Mission Benghazi draft EAC cable

Sir,

Attached is the EAC cable I drafted. PO Gaudiosi has cleared for Tripoli's review.

Regards,
 Jeremy

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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 C05578211 Date: 10/20/2015

1. (U) SUMMARY: On August 15, 2012, the U.S. Mission Benghazi Principal Officer (PO) convened the Emergency Action Committee (EAC) to evaluate Post's tripwires in light of the deteriorating security situation in Benghazi. The EAC discussed: (1) the increase in violent incidents in Benghazi, (2) the departure of private and public sector organizations, (3) the rise of potentially anti-western militias, and (4) host nation security capabilities in response to these issues. The EAC resolved to: (1) update and modify the tripwire matrix to include a "suspension of operations" section, (2) integrate [redacted] and DS REACT/EAP plans and conduct cooperative drills, and (3) submit additional equipment/manpower needs to US Embassy Tripoli for review. The EAC was chaired by the PO and attended by RSO, [redacted] and [redacted].
2. (U) DETERIORATING SECURITY SITUATION: The PO remarked that the security situation in Benghazi was "trending negatively" and post was witnessing a variety of other groups attempting to fill the security vacuum created by the absence of professional security forces under the control of the central government. Some of these groups, to include the police force and Western-friendly militias, have attempted to rein in the violence, while others, such as criminal elements, terrorist organizations, and fundamentalist militias, are instigating, if not perpetrating, this violence. The PO opined that this pattern of violence would be the "new normal" for the foreseeable future, particularly given the minimal capabilities of organizations such as the Supreme Security Council and local police.
3. (U) DEPARTURE OF ORGANIZATIONS FROM BENGHAZI: RSO remarked that various organizations had either recently reduced their staffing levels or left Benghazi due to the security environment, most notably the International Red Cross and a USG contractor (demobilizing prior to contract termination on 9/20). Also, official organizations (United Nations, Government of Qatar) and private businesses (Blue Mountain Libya) that operated out of the Tibesti Hotel have moved to other locations in the city due to a combination of bombings targeting the hotel and protestors taking over the facility. PO stated that while Post has seen some departures from Benghazi, it is important to note that other organizations, such as the British Mission, appear to be returning to Benghazi. Furthermore, some local organizations and human rights groups appear to be increasing their visibility within town, including efforts to oppose the recent violence. A broad range of contacts continue to attach great symbolic and practical importance to a continued USG presence here.
4. (S/NF) INCREASE IN HOSTILE MILITIAS: [redacted]
 [redacted]
 [redacted] RSO noted that the Benghazi militias have become more brazen in their actions and have little fear of reprisal from the GoL. (RSO note: RSO has mapped the location of the militias to assist in route planning of essential movements)



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5. (S/NF) HOST NATION SECURITY SUPPORT: RSO and PO expressed concerns with the lack of host nation security support to the US Mission. The SSC no longer provides an armed presence at the mission, and RSO requests to provide a daily police presence have gone unanswered. [redacted]

[redacted] RSO expressed concerns with Post's relationship with the 17 February Brigade, particularly in light of some of the actions taken by the brigade's subsidiary members. [redacted]

6. (C) TRIPWIRE REVISIONS: PO will revise Post's tripwires to better reflect current concerns. The Mission will also maintain its heightened security posture, to include restrictions on non-essential movements and careful review of all travel requests. In addition, as Post is staffed solely with mission critical personnel, and cannot draw down further while remaining operational, PO suggested the tripwire matrix include a "suspended operations" option. Under this option, all movements would be curtailed, and Post would conduct business only from the compound. There is precedent for this option; post went to a "suspended operations" posture after the June 2012 attack on the mission.

7. (S/NF) CLOSER COLLABORATION WITH [redacted] RSO expressed concerns with the ability to defend Post in the event of a coordinated attack due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound. RSO and [redacted] will observe [redacted] drills to better understand each group's operational plans and capabilities. RSO and [redacted] will meet at a later date to discuss Emergency Action Plans and address areas of collaboration. [redacted]

[redacted] Post and [redacted] agreed to formal weekly meetings to discuss the security environment. [redacted]

8. (U) SECURITY REQUESTS FOR EMBASSY REVIEW: In light of the uncertain security environment, US Mission Benghazi will submit specific requests to US Embassy Tripoli for additional physical security upgrades and staffing needs by separate cover.

9. (U) Point of contact is RSO Jeremy Anderson who can be reached at andersonjp@state.gov, or local cell 092 819 3981.

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mission, and RSO requests to provide a daily police presence have gone unanswered. [REDACTED]

[REDACTED] RSO expressed concerns with Post's relationship with the 17 February Brigade, particularly in light of some of the actions taken by the brigade's subsidiary members. [REDACTED]

6. (C) TRIPWIRE REVISIONS: PO will revise Post's tripwires to better reflect current concerns. In addition, as Post is staffed solely with mission critical personnel, and cannot draw down further even if ordered departure was effected, PO suggested the tripwire matrix include a "suspended operations" option. Under this option, all movements would be curtailed, and Post would host meetings on compound. There is precedent for this option; post went to a "suspended operations" posture after the June 2012 attack on the mission.
7. (S/NF) CLOSER COLLABORATION WITH [REDACTED] RSO expressed concerns with the ability to defend Post in the event of a coordinated attack due to limited manpower, security measures, weapons capabilities, host nation support, and the overall size of the compound. RSO and [REDACTED] will observe [REDACTED] drills to better understand each group's operational plans and capabilities. RSO and [REDACTED] will meet at a later date to discuss Emergency Action Plans and address areas of collaboration. [REDACTED] suggested that Mission personnel could co-locate to the Annex if the security environment degraded suddenly. Post and [REDACTED] agreed to formal weekly meetings to discuss the security environment.
8. (U) SECURITY REQUESTS FOR EMBASSY REVIEW: In light of the uncertain security environment, US Mission Benghazi will submit requests to US Embassy Tripoli for additional physical security upgrades and staffing needs.
9. (U) Point of contact is [REDACTED] who can be reached at [REDACTED]

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C05578211-MOU

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2. (U) DETERIORATING SECURITY SITUATION: The PO remarked that the security situation in Benghazi was "trending negatively" and post was witnessing a variety of other groups attempting to fill the security vacuum created by the fecklessness of the SSC. Some of these groups, to include the police force and Western-friendly militias, have attempted to reign in the violence, while others, such as criminal elements, terrorist organizations, and fundamental militias, are instigating, if not perpetrating, this violence. The PO opined that this daily pattern of violence would be the "new normal" for the foreseeable future.
3. (U) DEPARTURE OF ORGANIZATIONS FROM BENGHAZI: RSO remarked that various organizations had either recently reduced their staffing levels or left Benghazi due to the security environment, most notably the International Red Cross and a USG contractor. Also, official organizations (United Nations, Government of Qatar) and private businesses (Blue Mountain Libya) that operated out of the Tibesti Hotel moved to other locations in the city due to a combination of bombings targeting the hotel and protestors taking over the hotel. PO stated that while Post has seen some departures from Benghazi it is important to note that other organizations, such as the British Mission, appear to be returning to Benghazi. Furthermore, local organizations and human rights groups appear to be increasing their visibility within town.
4. (S/NF) INCREASE IN HOSTILE MILITIAS: []
 []
 [] RSO noted that the Benghazi militias have become more brazen in their actions and have little fear of reprisal from the GoL. (RSO note: RSO has mapped the location of the militias to assist in route planning of official movements)
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EXHIBIT 6

Gregory N. Hicks
Statement to the House Select Committee on Benghazi
April 14, 2016

By any measure, my twenty-one years of Foreign Service prior to my arrival in Tripoli were highly successful. During that period, I earned 20 awards for distinctive contributions to American diplomacy, and progressed up the Foreign Service's career ladder, while serving in some of the world's most challenging environments – Syria, Yemen, Bahrain, and Afghanistan.


Working and raising a family in these places presented fantastic professional opportunities and personal experiences, but life and work in those countries was no bed of roses.

In Syria, my family and I had to adapt to universal intrusive regime surveillance, whether conducted by black leather-jacketed security escorts or by listening devices in every room of our apartment. Working with the mass murderers of Syrian Military Intelligence to combat counterfeiting is a vivid professional memory, as was the Vice-Governor of Syria's Central Bank admission to me that the Syrian government regularly provided false economic data to the IMF and World Bank. Personally, I met hundreds of wonderful Syrian people – Arab, Kurd, Muslim, Christian, Alawi, and Druze – across the country who simply wanted a decent life for themselves and their families, and who do not deserve the oppressive rule of the Assad family or the religious fanatics who are seeking to replace them.

Yemen, the country that introduced coffee to America, holds a special place in my memories. Geographically beautiful with a marvelously hospitable population that for the most part, still resides in the 15th century CE, Yemen posed substantial risks to foreign diplomats. A year before I arrived, an American diplomat was kidnapped by one of Yemen's many tribes and during my tour, German diplomats suffered the same indignity.

Still, I travelled to nearly every corner of the country for both work and with my family for pleasure and successfully avoided the kidnapping experience. Unfortunately, I did manage to acquire a parasite called Echinococcus. As we learned later, the worm lodged in my lung and liver, and manifested two years after leaving Yemen. Ultimately, I became a research patient of the parasitology department of the National Institute of Health. Under their doctors' oversight, lung surgery to remove a third of my right lung (along with the Echinococcus worm) and a carefully regulated regimen of poison to kill the Echinococcus worm in my liver saved my life and allowed me to return to my profession.

A month after I arrived in Bahrain, a sleepy, island U.S. ally in the Gulf, 9/11 occurred. Over the next three years, I learned advanced lessons in operating a U.S. diplomatic mission in a hostile environment, as we dodged and defused a number of specific and credible Al-Qaida threats. In 2002, Bahraini Shi'a protestors twice attacked our Embassy, and as the riots grew in number and intensity, I personally witnessed rioters destroying a McDonald's restaurant located across the street from my residence.



While our ability to avoid injury or loss to the Embassy community was clearly attributed to its leaders, Ambassador Ronald Neumann and Deputy Chief of Mission Robert Ford, as well as our highly professional Diplomatic Security staff and contract Gurkha Guards, we were also lucky. At one point, the Navy ignored the Ambassador's recommendations and sent my children and those of the rest of the Embassy community home from school straight into the midst of the largest anti-American demonstration in Bahrain's history. Only the quick thinking of the school bus driver prevented a tragedy.

I arrived in Afghanistan in August 2006, as the Taliban counter-offensive gained intensity. The day I arrived, rockets flew over the Embassy and one week later a 500 lb. car bomb hit a Humvee outside the Embassy's gate, killing two soldiers and maiming a third. The shock of the blast literally blew me out of my bed. But these and similar events, including the car bombing of Ambassador Neumann's convoy, didn't deter me or any of us in the Embassy. Every day, we left our fortified Embassy compound, unarmed, unarmored, and unescorted to advance the U.S. policy agenda in meetings with senior government officials, legislators, business leaders, and other contacts.

My experience in an unaccompanied assignment in Afghanistan, working in hostile security environments, participating in the Administration's planning for post-Qadhafi Libya, and being kept current on Embassy Tripoli operations by its leadership during Arabic training, meant that no other State Department officer, other than Ambassador Stevens, was better prepared to lead the U.S. Mission to post-Qadhafi Libya.

Nevertheless, immediately after the Benghazi attacks, the State Department's leadership orchestrated a coordinated campaign to increase stress levels, deprive me of sleep, criticize my judgment, and undermine confidence among the Mission's staff. After I returned to the United States to attend Ambassador Stevens' funeral and hold consultations on the next steps in Libya, I was subjected to merciless criticism and pressure to leave Tripoli "voluntarily" for a commensurate assignment to be determined at a later date. I feel certain that had I returned to Tripoli and not accepted this "offer," on which the Department immediately reneged, the number of Department officials placed on administrative leave pending disciplinary review in December 2012 would have been five, not four.

The Department's leadership conducted this campaign because they knew that I could credibly expose the Administration's lies to the American people about the facts of the Benghazi attacks and motives of the attackers, and because I could identify the security shortcomings that contributed so much to the deadly success of the attacks.

Since testifying before the House Committee on Oversight and Government Reform, appearing on "This Week with George Stephanopoulos" and "60 Minutes," and publishing an op-ed in the Wall Street Journal, I have been subjected to a public and private character assassination campaign. I was threatened with summary dismissal and loss of pension if I speak publicly on Benghazi again. And, although required by Department rules to serve overseas, my applications for overseas assignment go unanswered.

The scale of intimidation and retribution is astonishing. And for what? I told the truth to the American people.

INTERVIEW OF GENERAL MICHAEL S. REPASS

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 15, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

MAC TOLAR, *Senior Counsel*

SHERIA CLARKE, *Counsel*

SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*

PETER KENNY, *Minority Senior Counsel*

SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM A. HUDSON, JR., *Legal Counsel, Director Congressional Investigations*

██████████

Mr. Tolar. This is a transcribed interview of General Mike Repass, United States Army, retired, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th.

Would the witness, please, state his name for the record?

General Repass. Michael Scott Repass.

Mr. Tolar. Sir, the committee appreciates you being here today and participating in this interview.

Again, my name is Mac Tolar. I am with the committee's majority staff.

I'd like everyone to introduce themselves, starting with Sheria to my left, please.

Ms. Clarke. Hi. Sheria Clarke, majority staff.

Mr. Gowdy. Trey Gowdy.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, minority staff.

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny from minority staff.

Mr. Hudson. Bill Hudson with the Department of Defense, Office of the General Counsel.

Mr. Kiko. Phil Kiko, committee staff.

Mr. Westmoreland. Lynn Westmoreland, Georgia.

Mr. Tolar. Sir, I just want to take a minute to talk to you about

██████████

how we are going to proceed today.

The majority staff will ask questions for up to an hour, and then the minority will have an opportunity to ask questions for an equal period of time if they choose. We'll go back and forth accordingly until everyone has exhausted all their questions.

Does that make sense?

General Repass. Sure.

Mr. Tolar. As you could see, we've got an official reporter here taking down everything we say to make a written record. I would ask you, please, provide verbal responses such as yes or no to all questions as opposed to nods of the head.

I'm going to ask the reporter to please feel free to jump in at any time to keep us in line.

Also, please give us your best recollection. If there are things you don't know or can't remember, just say so. If you have an inclination, idea, who might be able to provide responses, we'd like to hear that from you.

Understand that although you are not under oath, you are required to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this.

Do you understand this, sir?

General Repass. Yes.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

General Repass. No.

Mr. Tolar. Again, we appreciate you being here today. As we go through some of these questions, it may seem very basic. I appreciate your patience with that. We're just trying to get as much information as possible to prepare a record.

If you have any questions or at any time you need to stop and take a break, please let us know; we'll do that.

Any questions at this point?

General Repass. No.

Mr. Tolar. Anything from the minority?

Ms. Green. No, thanks.

Mr. Tolar. I've got 10:06. Let's start the first round of questioning.

EXAMINATION

BY MR. TOLAR:

Q Sir, prior to today, have you ever been questioned about the events surrounding Benghazi and/or DOD's response to those events?

A No.

Q Are you familiar with the Accountability Review Board?

A Yes.

Q Do you know what that is?

A Yes.

Q And they never questioned you?

A No.

Q Thank you. At this time, would you please walk me through your billets as a flag officer?

[REDACTED]

A As a flag officer --

Q Yes, sir.

A -- I'll go in reverse order.

Q Thank you.

A My last assignment was as commander of Special Operations Command Europe based in Stuttgart, Germany. I had that position from July of 2010 to July of 2013. Subsequent to that assignment, I retired from the military.

I commanded in Stuttgart. I had a Special Operations group, an Air Force component. [REDACTED] [REDACTED]

[REDACTED]

Also in my command was the Special Forces battalion located in Stuttgart, Germany, at Panzer Kaserne, more accurately Boeblingen, Germany.

[REDACTED]

[REDACTED] Prior to that assignment, I was the commander of the U.S. Army Special Forces Command, where I had all U.S. Army Special Forces in the active and National Guard components assigned to me. [REDACTED] I was

[REDACTED]

[REDACTED]

responsible for the organization, training, and equipping of those forces, make sure they were combat ready for deployment anywhere in the world.

And then prior to that, I had spent 2 years, also at SOCEUR -- or 3 years at SOCEUR, 2 years as a general officer, and I worked for Rear Admiral Bill McCraven, who went on to [REDACTED] and then later U.S. SOCOM. I was his deputy, and I was very familiar with business in Africa, because at that time we had Africa. So those are my assignments as a general officer.

Q At SOCEUR, if you would, please, back up and talk to me with a little more specificity about what assets you had command and control over, please, both in terms of trigger pullers and in terms of air assets.

Start with the trigger pullers.

A Okay. Starting on the Army side, the Special Forces battalion has [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] -- the whole battalion was under my operational command, or OPCOM. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] That rotation started under my previous tenure at SOCEUR in 2007. We maintained it through my command, actually, through 2013. I think they stood it down in 2014.

[REDACTED]

Also in that battalion, I had a Commander's in Extremis Force, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED]

A [REDACTED]

Q Thank you.

A Yes. They also have unique equipment in communications to make them interoperable with the [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

And so they train, and generally, have the same tactics, training, and procedures, tactics, techniques, and procedures [REDACTED]

[REDACTED]

Their primary mission was contingency response inside the European theater. [REDACTED]

[REDACTED]

[REDACTED]

Q I apologize, sir. Going back to [REDACTED] real quick. [REDACTED] was made up of -- talk about their subunits or how [REDACTED] --

A Okay. They have [REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] where the company headquarters, which has a command element. It has augmented supply, intelligence, and operations personnel in the staff to assist them.

Q Now, go back to your special warfare task force, please.

A [REDACTED]

[REDACTED]

[REDACTED] 06, sometimes an 05, promotable to 06, Navy commander promotable to captain.

They had a headquarters and support element, and then they have rotational SEALs. So the headquarters and support element stayed in theater. They were permanently assigned over there on 2- or 3-year rotations. They had rotational SEALs that came in that would organize, train, and deploy together into Europe. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] So I get a platoon. The half platoon guys would be liaison team members for

[REDACTED]

allies that I had in Afghanistan.

[REDACTED]

[REDACTED]

that would go in, help them out with communications, liaison with U.S. forces, and intelligence matters. They were also there to help them out with a call for fire, medevac, and logistics. So it was half -- so I actually had one and a half platoons assigned, but half of the platoon was -- that one half platoon was in Afghanistan.

[REDACTED]

And they were there to man the boats and to, you know, crew the boats when we did waterborne operations and maritime craft aerial delivery system missions.

When I came to SOCEUR, [REDACTED]

[REDACTED]

[REDACTED] So I embarked on a rather rigorous training program to get that capability stood up again.

[REDACTED]

[REDACTED]

[REDACTED]

Q Just to be clear on those guys. Even though they were SEALs, [REDACTED] they were SEAL facilitators in charge of getting the boats in the water --

A The combat crewmen were. Correct. That's a true statement, yes.

Q [REDACTED]

[REDACTED]

[REDACTED]

A No. No. I mean, they -- trust me, they could -- they could definitely shoot. They could man the weapons on a boat and do what they were supposed to do. But that's not their primary. [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

A No.

Q Thank you.

All right. You talked about the SEALs. You talked about the battalion.

A Right.

Q What other physical --

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

So in that headquarters, we had a headquarters group, and it consisted of a headquarters element, an operations group, a maintenance group, or maintenance detachment, and then a couple of other pieces, parts like life support and so forth. So they had op squadron, maintenance squadron. [REDACTED]

[REDACTED]

[REDACTED] -- combat control teams are qualified to go up and set up landing zones, et cetera. And they also had JTAC, Joint Tactical Air Controllers. They could call in fires.

So they had a squadron of those guys, 21st -- 21st? [REDACTED]

[REDACTED]

[REDACTED] I forget the designation of it. And the flying squadrons, we had two assigned. [REDACTED]

[REDACTED] Everybody is familiar with the C-130 aircraft.

[REDACTED] — [REDACTED]

They were refuelable in the air. They could be refueled from a tanker. And half of the aircraft that I had could be -- could refuel other aircraft. And I'll come to that in a moment.

[REDACTED]

[REDACTED] back in the States. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Last time they were used in combat in that role was during the invasion of Iraq, [REDACTED]

[REDACTED] Very brave move, I would say. Some of the aircraft were shot up out of that squadron, as a matter of fact.

[REDACTED]

[REDACTED]

[REDACTED] Its primary mission is to do refueling of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And then we would have one in some type of maintenance in the U.S. at all times more or less.

Q On September 10th, where were your [REDACTED] C-130Hs located?

A We had [REDACTED] in Mildenhall. We had [REDACTED]

[REDACTED]

Q In [REDACTED]

A Did I say [REDACTED] I meant Croatia.

Q There you go.

A I'm sorry.

Q And then [REDACTED] back at Mildenhall, were they on any kind of strip alert?

A No.

Q Typically, how long would it take to get [REDACTED] airborne in an extremis situation, cold start?

A Getting the aircraft airborne and having the crews ready

[REDACTED]

[REDACTED]

to fly are two different things. And so to physically get the aircraft available to fly -- so I am going to distinguish between the two.

Q Yes, sir.

A Realize that people fly the aircraft, but mechanically, to get it ready to go, that process is about 2 hours, 2 hours and 15 minutes.

Q Sure. And then to recall the crew?

A It depends on where the crew is during their day. If they are in the middle of their crew day, they can be diverted from whatever they are doing to do something else.

So if they are in their crew day, then you have to figure out how you are going to get them into their crew readiness level. So under normal circumstances, you want to have a 12-hour crew rest period, and that's waiverable down to 8.

Q Do you have the authority to waive crew rest?

A Yes. Yes, I would do that.

Q Could you waive crew day?

A I can -- I can waive it from 12 hours down to 8 hours. In an extremis, I would do whatever it takes to make it happen.

Q Okay. Thank you.

Okay. Going back to the refuelers, where were your refuelers located at that time?

A I had [REDACTED] at Mildenhall and [REDACTED]
[REDACTED]

Q Okay. Did you have authority, or did you control the
Predators [REDACTED] Were those under your

[REDACTED]

command?

A No.

Q Do you know whose command they were under?

A I don't know.

Q Thank you.

A I have no idea.

Q Any other assets that you had command and control over at that time?

A Yes.

Q Okay.

A NAVEUR had given me two Naval variant Black Hawk helicopters. They were also aerial refuelables, also known as HH-60s. They let me use them for the exercise, and I was very happy to have them. I lost them about the 16th or 17th of September. NAVEUR recalled them.

So I had HH -- so I had -- besides my organic aircraft, [REDACTED] at Mildenhall [REDACTED] I had two MH-47s that had flown over for the exercise that we were on, Jackal Stone.

I don't want to get into part one and part two right now. It's a little bit off topic. But staying on the assets. So I had [REDACTED] MH-47s, which are the Special Operations Chinook helicopters that were aerial refuelable. I had the two HH-60s out of NAVEUR. [REDACTED]

[REDACTED] I had them come over for full-motion video support for the exercise.

[REDACTED]

Q Was that like a U-28 or --

A It's like a U-28, yeah. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] So

I had -- I had those aircraft. [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

The purpose of [REDACTED] was to really get the Europeans to use full-motion video, high definition, get them, I would say, committed to that ISR aircraft, as we call it.

Q Sure.

A [REDACTED]

[REDACTED]

[REDACTED]

The final set of aircraft I had were allied aircraft. I would say they were under my tactical control, because I didn't have operational control. I couldn't give them a different mission, so to speak. [REDACTED] [REDACTED]

[REDACTED]

Q [REDACTED]

A No. [REDACTED] [REDACTED]

Q That's all right.

[REDACTED]

[REDACTED]

A It's actually — [REDACTED]

[REDACTED]

[REDACTED]

Q And, I apologize, they were owned by Croatia?

A Croatia had two, and the Czech Air Force had provided one for the exercise.

Q Other than [REDACTED], were the rest, remainder of those rotor wing or those aircraft you just mentioned, all part of Jackal Stone?

A All the aircraft were part of the Jackal Stone.

Q All right. Any other assets?

A No.

Q Did you have --

A No. There's no other.

Q Did you have access to any other type of contract air assets, perhaps, you could call on on a moment's notice to engage?

A No. If I had needed contract air, I would have to go through the normal air channels to get contract air. You know, you would have to whistle it up through, you know, whatever contracting agency is out there.

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q But nothing else?

A No.

[REDACTED]

Q Thank you. Back up for me real quick. Just talk about your chain of command, please, [REDACTED] [REDACTED]

[REDACTED]

Q Did you have a dotted line to the commander of AFRICOM?

A No.

Q No relation whatsoever?

A No.

Q Okay. [REDACTED]

A Uh-huh. Correct.

Q Thank you. And as a commander of [REDACTED] did you have the authority to mobilize or pre-position your assets anywhere in the European theater that you deemed necessary?

A It depends. It depends on if [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] So on my own volition, I couldn't say just today, as we sit here, you know, go do something, go fly someplace. I mean, under normally training circumstances, I could do that, but for operational purposes, there would have to be a -- an authority given to me under the conditions of a plan.

[REDACTED]

Q So you didn't have the authority [REDACTED] from Croatia to the ISB on your own?

A Yes.

Q You did have that authority?

A Yeah, because the criteria had been met.

Q [REDACTED]

[REDACTED]

[REDACTED]

A Yes.

Q But you were waiting on guidance from EUCOM/AFRICOM? Is that accurate?

A Yes, that's a true statement.

Q Is there any reason why you didn't do it on your own?

A A lot of reasons.

Q Can you talk about that?

A Sure.

Q Please.

A Yeah. This is a big deal. So, I mean, we're focused on the ISB and, apparently, Benghazi, but that's not the only thing that was going on at the time. There was a lot violence going on across the Levant and other places. So if you look at Sana'a, Yemen was -- the embassy there was threatened or attacked. Cairo had already been overrun. That was well known. So we didn't know what was going on

[REDACTED]

with Cairo in the previous 24 hours, bleeding into 11, September. You had the incident at Benghazi. You also had Tripoli that was under threat of attack. And then you had Tunis, Tunisia, that was under threat or attack.

So you had multiple locations. So the question is, where are you going to go, and how are you going to get there? You got one chance to get this right. So if you guess wrong, it's going to take you 18 hours to reconstitute and get to where it's supposed to be right. So you better guess right the first time.

The other part of this is, is when the [REDACTED]
[REDACTED] there was no other crisis reaction force other than myself and then later on the FAST. So if something happened while those guys were airborne, what are you going to do now? Where are you going to go?

So we knew that the incident in Benghazi, the first thing that we knew was what had happened at the -- at the consulate. We didn't know what else was going to happen. So we were looking with a very wide aperture where we may be needed. And it was my judgment that we -- if we were going to be needed, it was going to be somewhere across the northern tier of Africa, which could range from Cairo to Tunis, Tunisia. So you can't guess wrong here.

I mean, there are other factors that came into this. You know, where we were, you know, crew rest wise, you know, et cetera, et cetera. So we'll just leave it there for now.

Q We'll get that in a second, sir, if you don't mind.

[REDACTED]

[REDACTED]

A Yeah.

Q Let me back up for a minute, here. I apologize.
Talk to me, first, about, have you ever been to Libya?

A I have not.

Q Okay. And, also, in the summer of 2012, there were various
ISR missions being flown and conducted over Libya that we had -- the
government had requested that we stop flying those missions. Were you
aware of that?

A No.

Q Thank you. All right. Let's do this. I want to talk a
little bit about the events of Benghazi. Start with September 10th.
Talk to me about where you were that day, what was going on the day
before.

A Yeah. With your permission, I would like to, actually,
back it up to about 4 September, if I could.

Q Sure.

A Because that plays into what happens later on.

So we had a scheduled exercise during the month of September,

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] is just a tabletop exercise and a couple of other
things.

[REDACTED]

Q What is a tabletop exercise?

A Tabletop exercise is where you work through scenarios in a room like this and where problems are presented, and we work through it. You work through the decisionmaking process. And the idea is to make sure that the key players in the room, the decisionmakers, are all familiar with plans, the capabilities and limitations of the key players in this thing.

[REDACTED] is where we actually do a scenario play where you alert, marshal forces, and then deploy with theater assets. And then [REDACTED] is where you actually bring people over from the United States, to include the [REDACTED] out of the State Department and other agencies, Department of Energy, and so forth. You bring over [REDACTED]. You bring over a State Department player. It's a very large exercise. So we were in [REDACTED]. So starting on the 4th of September, we went through a notification process where, scenario-wise, [REDACTED]

So we alerted the staff of [REDACTED] [REDACTED]

So we alerted the staff, went through our decisionmaking process,

[REDACTED]

alerted the CIF [REDACTED] And we deployed them about -- about the 7th of September down to Croatia. [REDACTED]
[REDACTED] That was U.S. unilateral.

The Croatians were aware of what we were doing, they just didn't participate. They allowed us to do that.

As a reward for letting us do that and for hosting the event, we worked with the national police, in this case, the Croatian Ministry of the Interior Special Police Forces that are CT elements. And so we created a scenario for them to [REDACTED]
[REDACTED] So that was -- we planned to do that -- well, that's exactly what we were doing on the night of 11 September.

Q That's a 24/7 exercise, correct?

A Well, it has -- you realize, action, reaction, counteraction, so forth. So you go through -- so if you are a guy on the ground, you may go out and assault an objective, and whatever you get for tactical intelligence off of that feeds into whatever you are going to do next. So the scenario built off of what was happening on the ground.

So their first mission [REDACTED] was on the -- so we went down there on the 7th, so I want to put them down there a period -- period of darkness on the 8th and 9th, they were actually doing missions, and then bleeding into the 10th. And then go into the 11th, they had enough intelligence [REDACTED] in cooperation with the Ministry of the Interior.

[REDACTED]

Q I apologize, sir. The CIF commander was here and spoke with us, and he indicated it was a 24/7 exercise.

A Yeah.

Q Was that inaccurate in any way?

A No.

Q Okay. Thank you.

A I mean, there are things going on 24/7. Intel is being generated, you know, you've got things popping up all the time. We put these guys through the wringer down there.

Q And then talk about the significance of the culmination of events for Jackal Stone. The CIF commander indicated that that was a very big deal, a lot going into it.

A Oh, yeah.

Q Talk about that briefly, please.

A Okay. Well, first off [REDACTED]
[REDACTED], and then bringing in the Ministry of Interior folks. You know, as a military guy, you want to work with military folks. But, in fact, because of domestic laws and so forth, just like in the United States, the Department of Justice in the U.S. or the Ministry of Interior in foreign countries has the lead for what happens securitywise over there. So coupling the CIF with the Ministry of Interior, you know, special troops, I would say they are a combined element there, was something that hadn't been done before. And we saw this as the way for -- we saw -- sorry.

Q That's the votes being called.

[REDACTED]

[REDACTED]

A I was about to get under the desk here.

Chairman Gowdy. You're in danger. It's just a different kind of danger when we go vote.

General Repass. Okay. Well, we saw that as the way forward in the future of, I would say, [REDACTED] security-related ventures with U.S. building partner capacity in Europe. Because we had to work with the Ministry of Interior folks more than the Ministry of Defense. And for the CIF to get in to do that with Croatia was a truly big deal.

Q And that, the culmination exercise, do you recall when index was? Let me do this.

A Yes. Yes.

Q I apologize. The CIF commander indicated they finished about 01, headed back to their stage area, got there about 02, and that's when he was informed [REDACTED]

Is that your recollection also, that basically, the exercise ended midnight, 01 in the morning?

A I thought it ended a bit earlier, and they were in afteraction review and some other stuff.

Q What time do you believe it ended?

A I thought it ended about 9:45. I could be entirely wrong, but I would --

Q P.m.?

A Yeah.

Q Thank you.

[REDACTED]

[REDACTED]

A Yes.

Q It's okay.

A I would defer to [REDACTED] on that.

Q Yes, sir.

A My memory -- realize, I was in Stuttgart. Okay? I was on the long end of distant communications pipeline here. So I -- and the reason I believe it happened -- the end of our portion up in Stuttgart was about 9:45, because that's about the time we knocked off and went home.

Q So talking about the exercise, when the CIF deployed for Jackal Stone, they had [REDACTED] secondary mission happen. They still had that responsibility?

A Yes.

Q And the planes that escorted them to Croatia, were they part of the exercise?

A Yes, they were.

Q So they were flying throughout the Jackal Stone exercise?

A Right. Let me -- I'm going to give you a caveat there. Because it -- the aircraft that I had, the military aircraft, the MC-130s and stuff like that, they had limited utility to the scenario at that point in time. The ISR aircraft, you know, I had pretty substantial utility, and they were brought over specifically for that purpose. And then later on into the second part of the exercise. So they were flying in support.

Now, also in Croatia, they had very tight aviation rules. As a

[REDACTED]

██████████

matter of fact, the deputy -- I asked for a Croatian deputy commander for the exercise, and they gave me the commander of air traffic control for Croatia. I said, okay. That's brilliant. But we had to do a lot of pre-exercise training flights to make sure that we were certified to fly in Croatia. It's just a national caveat they put out there.

Q I understand. So here's my question: If these guys had ██████████ responsibility, and they are deploying in an exercise that's running 24/7, coupled with the fact that their aircraft that is going to help them meet their ██████████ part of the exercise, is it reasonable to expect that they could meet the ██████████ timeline given all that?

A Who is "they" in this case?

Q Well, the CIF. The CIF has a responsibility --

A Yeah.

Q -- to be up, wheels up, ██████████ Is that accurate?

A Yes. That's a true statement.

Q So if they are involved in the exercise, and their aircraft are involved in the exercise and relegated to crew rest, how could they be expected to ever meet ██████████ requirement?

A "They" being the CIF and the aircraft?

Q Yes, sir.

A Okay. So let me --

Q Well, the CIF is already up.

A You are bringing ██████████
██████████
██████████

Q Thank you.

A [REDACTED] So on --

Q What do you mean the rules you had to play by, sir?

A [REDACTED]

[REDACTED] Okay?

So going to your point on N-hour. First off, N-hour is declared here on the East Coast of the United States. You know, SECDEF declares it, it's communicated by the Joint Staff, and we get it over there. So that's the there is only one N-hour, so they declare it.

N-hour triggers [REDACTED] [REDACTED]

So the question is, you know, if I have an [REDACTED] requirement, where do I get my aircraft? And the answer is, you get them in-service select, or you get them from whatever else is out there. So there's no aircraft standing by for [REDACTED]. It does not exist in the theater, because we are not manned at that level.

Q How is it possible that there's an [REDACTED] requirement without the resources to accomplish that? Any thoughts on that?

A Oh, sure. I mean the likelihood of me not knowing something is about to happen -- let's just take 11/12 September as an example. The likelihood of us not knowing something is about to happen before N-hour is declared is exceedingly low. So we see trouble coming long

before it gets there. We start posturing for that.

So we -- we start pulling back the readiness. We start getting into ready posture before N-hour is ever declared, which is, in fact, what I did on the night of 11 September.

As soon as I found out, about 10:50 that night, that there had been attack at the embassy -- or consulate in Benghazi, I immediately started putting guys in levels of readiness that would posture them for being ready to launch wherever we were going to go at a much earlier time than anybody else was going to be there. So --

Q Did that include your aircraft, your Hs back at home, as well as the refuelers?

A Yeah. The guys in Mildenhall, I did not put them into the equation yet. They -- not yet. Okay? So the guys forward, my direction -- when I got the call at about 10:50 on the night of 11 September --

Q Let's don't jump ahead too far yet, sir. We'll get to that in a second.

A Yeah.

Q Let's go back to September 10th. Talk to me about what's going on on the 10th, please.

A Okay.

Q You are monitoring the exercise?

A Monitoring the exercise. And I'm getting ready to move down to Croatia, because I'm going to be down there on the 12th. So we're doing business in Stuttgart related to the exercise. And I also

had -- I was dual-hatted as the European Command director of Special Operations. So I had a staff role over there to work with European Command in addition to commanding my force.

So I'm working with European Command on the crisis action activities and making sure that the theater is doing what they were supposed to be doing in response to and in support of the guys downrange. So that's basically what we were doing on the 10th of September.

Q Who was your colonel that is deployed with the CIF in Croatia?

A It was Colonel [REDACTED]

Q And what is his billet?

A He's my deputy J3, my deputy ops officer.

Q Is he an Army --

A Yes.

Q Thank you.

A So realize, when the crisis erupts in the scenario -- so going back to the 4th and then, I think the 7th I deployed forces down to Croatia, I deployed a European survey and assessment team, which belongs -- they are my guys, but they become under the operational control of EUCOM and report to the European Command. I deployed those guys to Zagreb to work with the embassy, and they are the military liaison plug into the embassy for the ambassador and other folks over there. I deployed what they call [REDACTED] which is a -- I would say, a small headquarters and support element to exist [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q That's what Colonel [REDACTED] was doing?

A That's what [REDACTED] was doing, yeah.

Q Okay. Well, let's jump forward to the 10th. You are monitoring the exercise. And then what happens? Anything else going on that day? Any concerns on your radar about activities?

A If I'm not mistaken, that's when Cairo was attacked. I can be wrong on that. I --

Q That trigger anything in your mind, any reaction or necessity for you to initiate any kind of activities?

A Well, Cairo, Egypt, GCC-wise, belong to -- belongs to CENTCOM. See, that's a CENTCOM responsibility over there. So I asked around what CENTCOM is doing about it. And, you know, they apparently had things in hand. I think they were steaming some ships over that way.

There was some reaction in EUCOM about potentially running an evacuation. We always work through those scenarios. Like I was on standby to do the evacuation out of Lebanon. We're always on tap to reinforce Israel. You know, we were always prepared to go different ways. We have done a lot of rehearsal drills and things like that that prepare to go in different areas. So I couldn't have been any more

[REDACTED]

ready for anything to happen than I was on the 10th, 11th, 12th of September. We were right in the heart of readiness.

Q Yes, sir. What do you mean, "in the heart of readiness?"

A Well, we were going through our exercises, and every -- that's an annual drill. And so your readiness kind of trickles off after that. So we were right in the middle of doing everything we were supposed to be doing. We knew all the con plans. All the players, not only in my headquarters, but also European Command, know what the heck is going on. So we're as ready as we were going to be.

There were other exercises out there, but none as focused on

Q So based on the exercise Jackal Stone, do you think the CIF was at peak readiness and prepared?

A Yeah. Definitely. Absolutely.

Q And given that it was the eve of 9/11 attacks, were -- did you have any guidance about heightened alert or anything like that to your plan?

A Most of the guidance we got was related to force protection around Germany and stuff like that. There was no --

Q What does that mean?

A Force protection was -- we were concerned about attacks on U.S. installations and interests throughout Europe, wherever U.S. forces were gathered, you know. So it was just a general heightened alert, heightened state of alert. And I think we did some additional

checks during the week before and after 9/11. That was kind of a habitual thing.

So understand now, that Europe's a little bit different than, let's say, CENTCOM or SOUTHCOM or someplace like that. You have very well qualified host nation counterterrorist forces. So if something bad were to happen, I would have no problem with alerting my guys, getting them ready to go. The probability, let's say, in Germany would be the federal police out of Germany, the GSG-9, whom I knew well, would do the response to the terrorist incident, negate it, at Patch Barracks, where I was living and working.

Q Check. Let's go to September 11th. Talk to me about what was going on that day. Had you made your move yet, to Croatia?

A I had not. I was going down on the 12th. So the exercise was going to end on the 12th.

Q Check.

A We'll see you, sir. I don't know if you guys are coming back.

Mr. Westmoreland. We'll be right back.

General Repass. Okay. All right, sir.

I was supposed to move on the 12th. So the 11th was, you know, the culmination exercise that night leading into the 12th. So the morning of the 12th, I was going to take a small aircraft -- actually, I had a PC-9 as I was. [REDACTED] PC-9 aircraft in Stuttgart.

BY MR. TOLAR:

Q What is a PC-9?

[REDACTED]

A It's a -- or a PC-12. It's a Pilatus. It's a Swiss-made aircraft, single engine. It's just a -- kind of like a commuter airplane that holds two pilots and, I think, six people in the aircraft.

Q Thank you.

A So I had [REDACTED] in Stuttgart. And those were provided to me by [REDACTED]

Anyway, so I was going to fly down there the next day, the day of the 12th. So, really, on the night of the 11th, we were there to provide mission monitoring and command and control as needed. Really, we were just kind of upper tier reporting rather than direct exercise players. I wanted to be there when the CIF was calling out their reports and things like that, there's going to be somebody on the other end of that line rather than playing by themselves. So me, as a commander, I was in the JOC.

Q So you were in receive mode, though; you weren't directing the exercise?

A No. You know, basically, we were -- we were scenario-driven in Stuttgart. Those guys were playing wise, competitively, so to speak down in Croatia.

Q Check. So talk to me about that evening when you first learned of the attack.

A Okay. So after the exercise, I lived on Patch Barracks, so my quarters is about 7 or 8 minutes from the headquarters. So I went home about 10:00 and, you know, just wound down from the day. It had been a long day. And then about 10:45, I had sat down on my bed

[REDACTED]

[REDACTED]

know, to be alerted and to be -- you know, to start getting ready.

So I got dressed. I got back to the headquarters probably about 11:10, 11:10 that night. I went -- I went immediately up to the JOC, and so that -- we have -- in the Joint Operations Center we have a wall of monitors and other digital displays. And you have somebody known as the common operating picture manager. And he's the guy that puts up all the visual aids and manages, you know, the information coming in from around the world. So the COP manager was in there. And shortly after I got up there, he pulled up an ISR feed from downrange, from Libya, actually.

And so the ISR feed came in. I asked him where it's from. He said it's from Benghazi. And he had his headphones on. So there's three forms of communication going on. You've got the visual feed of whatever the ISR bird is picking up; [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So pilots and other people are talking, you know, move left, move right, screen right, screen left, you know, go to Benghazi, whatever it is. [REDACTED] And then intel people are watching that, saying what they think it is, what it's not. And there's also an O and I network of radio traffic.

Q What's O and I?

A Operations and intel.

Q Thank you.

[REDACTED]

[REDACTED]

A Operations and intel net that's up that people are talking on. So, like I have my own internal operations and intel net for the exercise going on; there's a EUCOM O and I; there's -- AFRICOM had their own. So I think what the guy did is he got [REDACTED] and the AFRICOM O and I net, and he's listening to what's going on.

So shortly thereafter, I don't know, maybe 11:30ish or so, I asked him, I said, "Hey." Okay. So when the video came up, when the ISR feed came up, what I saw was, you know, a structure, a wall structured it looked like to me. I think it was walled. But there were various fires around, and one the buildings was on fire. I think a vehicle was on fire. Various fires going on, and there were people milling about. It didn't appear that people were under duress or being shot at. It didn't appear to me.

You know, I saw two men carrying somebody that appeared to be dead, by the arms carrying them under the arms and by the legs, carrying them across the grounds of the compound.

Q Could you tell what kind of men they were?

A Couldn't tell. I think it was an IR picture, infrared picture, so you are getting heat signatures. It's pretty -- it's pretty definitive. You know, you could see -- you could see the outline of people very definitively. But you can't tell, you know, what kind of clothes they are wearing or any of that kind of stuff, other than the fact that they are wearing clothes.

So couldn't tell who -- who was dead and who was -- I assumed the person was dead -- and who was carrying. Couldn't tell any of that.

[REDACTED]

[REDACTED]

I recall armed people on the roof. I don't know friend or foe, didn't know. But that was my first impression. I got the impression that this had been going on for a while. I said, geez, man. They get -- first off, to get ISR over whatever is going on there, and this had to be going for a while, because I didn't know where the ISR came from. But I knew that, you know, Africa is a long way from just about anything. It's not like you had a bunch of stuff laying around that you can whistle up and get over there.

So this had been -- my impressions were this had been going on a while and things were, I would say, in a noncombatant state, if you will, just judging from the posture of people I physically saw walking around. They were not walking in a tactical manner. They weren't running. They weren't scared. They weren't anything. They were just milling about. I don't know who they were. I don't know if they were Americans, Libyans. I haven't a clue.

So I asked the common operating picture manager, the COP manager, I said, "What the hell happened? I mean, who did this?" He said, "Some group named Ansar al-Sharia." I'm like, "I've never heard of these guys." Didn't know who they are, didn't know what they did. You know, Ansar al-Sharia. Okay. All right.

I was -- I mean, honestly, I was entirely clueless as to who that group was. I did know, you know, because EUCOM was in direct support of the Libya campaign, Operation New Dawn, I think it was, I knew that there were splinter groups all over the place in Libya. And I was paying marginal attention to Libya from there on out. I was heavily

[REDACTED]

involved in the actual Libya operation, providing aircraft capabilities and so on. You know, I really didn't pay attention to what was going on. So Ansar al-Sharia was just -- it was news to me. I had no idea.

So that was -- that was probably about 11:30, 12:00, that night. So by that time the staff had come in, and I want to say we had a first battle update brief. So in my view, I had called -- even though N-hour had not been established, I had called. [REDACTED]

Q And what triggered that specifically?

A Attack on the U.S. diplomatic facility.

Q [REDACTED]

A [REDACTED]

Q Thank you.

A [REDACTED]

Q Okay.

A So -- but that's a different issue. That's out of my bailiwick. [REDACTED] attack on diplomatic facility, going back a couple of years, I mean, when the embassy was attacked in Serbia, I happened to be in a JOC that night and saw it on CNN. I picked up the phone, and I called up the attache down there, who used to be my executive officer, "Hey, man, are you okay? I'll order up the CIF right now. What do you need? I'm ready to go." He said, "No, we're good. We're manned. It's okay."

So I mean [REDACTED]

[REDACTED]

Now, whether European Command or any of the other commands, like in the case of Serbia, European Command, you know, after I called that guy to find out what the situation was, I called European Command, say, [REDACTED] They said, "No, we don't want to go there right now, because that brings in other authorities and stuff like that. That escalates the situation. We don't think it's worth it at this time." It turned out they were right.

Q [REDACTED]

Q Check.

A [REDACTED]

[REDACTED] They have a standard menu, which is rather robust, everything from the [REDACTED] to the [REDACTED] -- I believe the [REDACTED] --

Q I apologize. We understand [REDACTED]

[REDACTED] I apologize.

A Okay. Yeah.

[REDACTED]

Q [REDACTED] is that relegated to just the CIF, then, in terms of the assets?

A No. I mean, it's the theater SOC assets. And then whatever EUCOM deemed -- if I say I need -- and in this case I said I did need. If I need USAFE aircraft to support me on this, and in case -- and in fact, if I didn't have aircraft available [REDACTED] [REDACTED] and USAFE aircraft and crews were available, I would grab USAFE aircraft under EUCOM direction.

So it's primarily the theater SOF assets, plus anything that is available in theater that is required for the mission. So in this case, it would be USAFE aircraft.

BY MR. TOLAR:

Q And what's the N+ requirement [REDACTED]

A [REDACTED] CIF has to be ready to go from the airfield and wheels up.

Q And wheels up?

A And wheels up with the provision of aircraft dependent -- aircraft availability dependent. So if there are no aircraft available at get there at [REDACTED] to load, taxi, and take off, if I can't get aircraft there [REDACTED]

Q Check.

A And that's a risk that the theater bears. And I've been down that road many times in theater and said we just can't resource it because we don't have the crew and the airframes available in USAFE to make that happen.

[REDACTED]

Q On the night in question, knowing that it would -- you mentioned that you -- when you got the word, you directed your aircraft to go immediately to crew rest, the ones that were --

A No, I didn't -- not then. No.

Q I'm sorry.

A What I think -- I didn't tell them to go into crew rest, but I told them [REDACTED] and that, you know, I really had to think through what we were going to do because we didn't know what we were going to do, okay, so you got to be careful, you know, a little bit here.

So it's a thinking man's ballgame here, knowing that you can go anywhere in Africa, [REDACTED] this is AFRICOM's sandbox, you know, it's -- my job is to build combat power.

I hadn't talked to my aircraft -- my air boss yet, okay, to find out what was going on. So we had the battle update brief, I want to say, about 11:45 maybe, 11:45. And that went -- so the staff has to get in.

Q I apologize.

A Yeah.

Q Just for the record, what's a battle update brief?

A Okay. Okay, I'll explain it.

So the staff -- upon alert -- so at 10:50, I told the current ops officer, recall the entire staff, get everybody in there. So they have to get -- excuse me. They have to get in -- they generally live within [REDACTED]

30 minutes of headquarters. They got to get in. They got to check all their communications networks, find out what the heck is going on. And then we get initial intel and ops update or initial battle update brief. I think that happens at -- within 30 minutes of assembly or whatever, so we can start working on our standard operating procedure.

So I would say sometime around 12:45 or so we had our first battle update brief, which is the initial, hey, heads up, this is what's going on. You get the initial intel, get the initial operational laydown where your forces are and availability, and so forth.

During that battle update brief, which went about 30 minutes, which is a bit long, because we were trying to get a grip on what was happening across North Africa, and even over into Yemen. We went into -- you know, later on. And so the -- the air commander over in Croatia --

Q Let's take a -- I'm at the first hour, sir. Before you get into the air issue --

A Yeah.

Q -- let's take a time out. Let's take a quick head call. We'll see what they want to do next, and we'll go from there, so let's go off the record.

[Discussion off the record.]

Mr. Tolar. Let's go back on the record.

BY MR. TOLAR:

Q Let's drive on. Continue, sir.

A So probably about 12:15, 12:30, or so, we concluded the

[REDACTED]

initial battle update brief, and I took a small group. And when I say a small group, it's usually my J2, my J3, myself, command sergeant major, and a couple of other guys, my intel officer, my ops officer, my senior enlisted advisor, and a couple of other people. I get into a small group, and then I have a -- an adult conversation, if you will, away from the staff.

So I went down to my office and we called the -- [REDACTED]
[REDACTED] -- you know, the command element was in Croatia. So I called him, I said: "Okay, what have we got going on here? What is your posture right now?"

They said, the crews have been training all day. They knocked off. Then they did mission planning for the training missions on the 12th. The crewmen themselves postflighted the aircraft, got them ready for the next day. They got fuel onboard there for the next day, and they sealed the aircraft, meaning the aircraft is ready for, you know, the crew to show up, do preflight, and then takeoff.

So the aircraft were sealed, the crews were off from some time unspecified during the night. And I believe -- this is my personal belief, and I have evidence behind this later on, that they put themselves in crew rest probably as soon as the phone call came in. But I didn't direct it at that time. I didn't -- you know, I told them, hey, we're getting ready to deploy. So I think -- I think either the crews or the commander himself put those guys into crew rest starting about 11 or 12 o'clock that night, okay, which would have made him legal for alert 12 hours later, you know, waiverable to 8. In extremis,

[REDACTED]

you're going to go. I don't care how much sleep you don't have. You're just going to get in there and you're going to -- you know, you're going to hit the throttle and off we'll go. So --

Q And does that happen, really?

A Would it happen?

Q Yes, sir.

A Yes, I would do that. Yes, I would do that. Have I ever done that? In Iraq, I did it one time.

Q Okay. So in theory they went into crew rest, let's say, at midnight, in theory they wouldn't be eligible to come off until 12 the next day, waivable by you up to 8 hours?

A Eight hours.

Q But you could waive it all if you wanted to, if it's necessary.

A I wouldn't legally say -- look, the Air Force would hang me out to dry if I did that, okay, quite frankly. They would lose their freaking mind. You know, Army guy ordering Air Force guys. I mean, quite frankly, I'm sure I would get all kinds of lightning strikes from my brothers in blue. There's no doubt about it, but --

Q But without --

A This is in extremis, man, and we're SOF guys.

Q But you could definitely waive it to 8:00 a.m., 8 hours?

A Yeah. If that's -- yes, I can definitely waive it to 8.

Q All right. So I apologize. So they safely were in crew rest. And go ahead, please.

[REDACTED]

A Okay. So we had an adult conversation on the readiness of crews and stuff. I said, okay, look, we don't know where we're going, and we don't know what we're going to do. We don't know if we're going to go into Benghazi, we don't know if we're going into Tunis, we don't know if we're going to Cairo. I said, leave your guys in crew rest, and when we figure this out, we'll get the guys, we'll get them out of crew rest, and we'll get on with it here.

So that was the decision then. So that was -- and I -- I made some other decisions as well. The other decisions were formally put the rest of the battalion, whatever was left at Panzer Kaserne, and the SF, the Special Forces battalion, put them on alert.

[REDACTED]

[REDACTED]

[REDACTED] Put everybody there on a 12-hour recall. And why 12-hour? There's a long logic behind that, but anyway.

So basically, I was getting everybody postured for whatever may come. Okay. So whatever assets I had, we were going to get postured. Additionally, I learned that --

Q I'm sorry.

A Yeah.

Q [REDACTED]

■ [REDACTED]

■ [REDACTED]

A Yes.

Q Okay. Continue.

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q [REDACTED] [REDACTED]

A [REDACTED]

[REDACTED]

Q Thank you.

A It didn't involve mine.

Q Sure.

A Yeah. [REDACTED] [REDACTED]

[REDACTED] So I put everybody on a shorter string to find out -- you know, just to make sure that I had everything lined up.

Additionally, the uparmored Humvees that we have I thought needed to be with the CIF. They didn't take them down to Croatia because that wasn't the scenario. They were going to be operating in an urban environment, and I don't want uparmored Humvees, American uparmored Humvees running through downtown Zagreb. That's not a good idea, okay.

So we left them back at Panzer Kaserne. Two of those uparmored Humvees have gone into the Gräfenberg training area in Eastern Germany. So I directed that marshal all the uparmored Humvees and to marry them up with the CIF, get them ready to move out of Stuttgart Army Airfield the next morning. And furthermore, I want a USAFE aircraft -- Air C-130J to make that movement. [REDACTED]

[REDACTED]

Anything else that needed to be married up with the CIF was to be at Stuttgart Army Airfield the next morning ready to go. That turned

[REDACTED]

out to be [REDACTED] that did not go down to Croatia. [REDACTED]

So the next day we flew [REDACTED]

[REDACTED] we flew them down to marry up with the CIF, which turned out to be the ISB.

Q And that was on USAFE aircraft?

A It was a USAFE aircraft, yes. So anyway, so I started -- I started narrowing down, increasing the readiness and getting a posture of everybody put together. So the CIF had to move from where they were, and as I recall, they were at a police base that was basically a helicopter base. It had no fixed landing strips. It had a grass field and helipads out there.

They had to move from there, I think, about 9 or 10 kilometers to Zagreb International Airport, which is where we were going to fly them out of. And that took about 2 hours once they were told to do that.

So we had to get the CIF there. What I found out during that is they didn't have a forklift to move [REDACTED] They always had [REDACTED] with them wherever they went. So they had it with them. They had two pallet spaces worth of -- actually, had three pallet spaces worth of other gear. So they have four pallet worth of gear that had to move.

[REDACTED]

We didn't have a forklift up there because they were deployed up there, they stayed up there, and they were planning to move somewhere else. So I had to -- my guys had to move a forklift from Zadar, Croatia, up to Zagreb. And that was about 180 miles. So they moved the forklift up there.

I don't know what time it got up there, but they sent it up there. So the CIF ended up at the airfield. I want to say they were there -- you know, you're saying that [REDACTED] said that he was there sometime. I thought they were there at 1 o'clock.

Q My recollection, sir, he got back to -- about 0200 is when he got back to the staging base, I guess wherever Colonel [REDACTED] was, and that's when he was informed --

A Yeah.

Q [REDACTED]

[REDACTED]

[REDACTED]

A Okay.

Q Had been triggered --

A Okay. I mean, that's generic across all theater.

Everybody understands [REDACTED]

Q So his comment was he got to the airfield about 0200.

A Okay. So he got to the basing airfield, but not the deployment airfield. That's not -- see, they were at this -- what was the name of that doggone airfield? It was not -- you couldn't land an airplane there, you know, you just couldn't because there's a grass

[REDACTED]

strip so --

Q Okay.

A Yeah. So I had to get -- so yeah, [REDACTED] was there, now that you mention it, and running command and control forward. I was command and control rear. And then he had the CIF there. So those guys had to get to the international airport, okay. So he got there about 1:00 or 2:00. So he still had a movement, and he still had to move four pallets. Oh, tough day for that man.

All right. Well, okay, I understood the timeline a little bit differently. I thought he was at the deployment airfield at 1:00, but now I get it. That makes sense. Okay.

There was no way to fly him out before -- what time did he say he was at the airfield, 7 o'clock in the morning? Something like that?

Q Yes, sir.

Ms. Green. Just to be clear, he was actually not certain of the time when he testified.

General Repass. Okay.

Ms. Green. He thought that he was ready sometime between 5:00 and 7:00 a.m.

General Repass. Okay.

Ms. Green. That he was --

General Repass. But he still had to move from where he was to where he needed to be, yeah.

Ms. Green. And he thought that he was alerted between 2:00 and 3:00. He couldn't remember exactly what time.

General Repass. Okay.

BY MR. TOLAR:

Q That's all right.

A Okay. So yeah. So all right, so now -- okay. So basically I'm told loddy dotty, okay, everybody get ready to deploy, CIF, get postured, get ready to move, et cetera. Okay. Can't deploy from this airfield; we got to go to Zagreb International. Got it. Get a forklift over there, help them out. So everybody started moving to increase posture.

My point was [REDACTED] timeline and I moved it to the left on my own volition. I wasn't waiting for anybody [REDACTED]
[REDACTED]

Q And explain what you mean by moved it to the left.

A I moved the time. I increased everybody's readiness level to the left so that I would be ready earlier than what my contingency plan or concept plan requirements demanded of me. And as it turned out, I was about 5 or 6 hours ahead of contingency plan standards and requirements.

So there were a series of video teleconferences after that. I remember being on video teleconferences with AFRICOM. Then there was an AFRICOM, EUCOM, [REDACTED] then a VTC, and I think there was one later on with the Joint Staff. The SecDef was in there and a couple of other people, as I recall. So in the meantime, in the earlier video teleconference, the question is --

Q In the AFRICOM, EUCOM VTC?

[REDACTED]

[REDACTED]

A I think it's AFRICOM, EUCOM, and [REDACTED] and plus there were other communications going on, emails and stuff like that.

Q Approximately what time was that VTC, sir?

A I would say it's about 1:40, 2 o'clock in the morning, something like that. My recollection is that we learned during that time that [REDACTED] was -- believed that they were going to be the force of choice, and that they wanted to go to an ISB, intermediate staging base, rather than go directly in.

And that was the conversation that was going on in the East Coast, and I took it between [REDACTED] and the Joint Staff, SecDef, whoever, and along with AFRICOM. So I was out of that loop. I was not privy to that loop.

What I got out of all that was two things. One, probability that [REDACTED] would be employed and that they were going to an ISB. So the question became what ISB are you going to? Where do you want the ISB to be? Do you want it to be in Libya? Tripoli? Do you want to go to a, you know, an ISB very close in Benghazi? Or do you want to keep your powder dry in case Tunisia blows up or Cairo goes bad? Or are you going all the way to Sana'a? Where do you want this ISB to be?

And they said: No, we want to be close to Libya. So that became either Suda Bay, which is on the northern shore -- northwestern corner of Crete, the island of Crete. There's a small Naval air station there, and I don't even think the U.S. keeps anybody there. I don't even know if it's there anymore. Or do we go to Naval Air Station Sigonella,

[REDACTED]

[REDACTED]

which is on the east coast, kind of center mass on the island of Sicily, you know, belongs to Italy.

There are constraints to both locations. And so we got into the discussion of, okay, I don't think you really want to go to Sigonella because the Italian Parliament has to okay any combat deployments from their soil. So if you fly a combat force -- an armed combat force to get fuel or to pick up more troops or do something and then proceed onto combat, the Italian Government has to approve that. And here it is like, I don't know, like 1:45, 2 o'clock in the morning, and there ain't nobody knocking on the Italian prime minister's door. So as far as I knew --

Q Are you voicing this concern?

A Huh?

Q Are you voicing this concern or somebody else?

A I am voicing the concern to EUCOM, who already knew it, who I supposed was talking to AFRICOM. I also voiced concern to -- I had a short conversation with Brian Losey, the SOC Africa commander, that there are limitations on both. And so there is the authority issue, the Italian Parliament issue, and you know, the prime minister stuff, and Sigonella. And there were problems [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The United States wanted to bring in Global Hawk and all this. There were issues, all kinds of issues associated with that. So I was

[REDACTED]

[REDACTED]

generally familiar with it. ISR is a role outside of mine, but I knew that there were political constraints in both locations.

So anyway, and I think it was during that, that 2 o'clock, 1:40, 2 o'clock or something, it was decided to go to -- It was decided to go into an ISB at Naval Air Station in Sigonella on Sicily. All right. So that had substantial implications for everything that I was doing. My job is to build combat power, get it ready to go. Just point me in the right direction, you know, off we go.

So that meant that a decision on [REDACTED] was imminent. So I still didn't know where I was going or what we were going to do. As it turned out, about 2:30 or so, there was a -- maybe 2:15 stretched into 2:30, 2:45, a VTC between AFRICOM and the Joint Staff [REDACTED] EUCOM monitored, as did I, and a couple of other op stations.

So during that video teleconference it was decided [REDACTED] [REDACTED] would deploy, full stop, and the intermediate staging base was indeed Sigonella Naval Air Station in Sicily.

Okay. Now, now that [REDACTED] has been directed to deploy, not to conduct offensive operations, not to do hostage rescue or any of that other kind of stuff, simply to deploy, we, [REDACTED]

[REDACTED] So that meant, by default, we are to deploy to the ISB and prepare for, do what we call RSOMI, recession, staging, onward movement, and integration. In other words, get them set up, here are [REDACTED]

[REDACTED]

your cots, here's your operating spaces, you know, here's the chow hall, get all that kind of stuff. So I became a supporting command at that point in time.

Q Again, just to be clear, [REDACTED] for all intents and purposes, you kind of lose control of your folks because they're now part [REDACTED] for all intents and purposes, and they might move to the ISB.

A They become in support of. I don't lose control of that. It's my responsibility to get them where they were going.

Q And they must go to the ISB now to marry up with --

A Yes, absolutely.

Q You have no control over changing that?

A No, none.

Q Thank you.

A So that was declared at [REDACTED] [REDACTED]

[REDACTED] Quite frankly, I was already well before -- I mean, I was at N+, I don't know, [REDACTED] [REDACTED] by the time N-hour was declared for [REDACTED]

So then it became a matter of getting my guys to the ISB in Sigonella and getting them set up. So I just postured a support force to lead, and then there was no need to pull the crews out of crew rest in extremis to go where you're at. So I just -- I just backed it down to 8 hours.

So come out of crew rest at 8 hours, fire up your aircraft, go

[REDACTED]

[REDACTED]

pick up the CIF, and move them -- it was an administrative move, it was not a tactical move, not an in extremis move, move them down to the ISB. Before that, though, I used my [REDACTED] put the headquarters element, my 06 commander, some communicators, a medical guy, and a contracting officer onboard that aircraft and flew them down to Sigonella because he didn't have to go through the 2 hours of mission planning and preflight and all that kind of stuff that the MC-130s had to do.

So I just whistled that guy up, made him move early. So he left -- I want to say he left down there probably, oh, sometime between 7 and 9 o'clock in the morning with about, I don't know, six or eight guys and -- maybe six guys and a bunch of communications boxes and stuff like that.

He ended up turning twice, so he went back and got another bunch of guys. So the air flow turned into a [REDACTED] to the ISB after it picked up [REDACTED] and his gang at the point of the spear over there in Zagreb. So he went Zadar, Zagreb, down to the ISB.

The [REDACTED]

[REDACTED] And I still didn't know if I was going to have to drag the helicopters. If I was going to have to drag the helicopters, then I would have to refuel them in flight, and that gets in a whole nother dimension of, you know, helicopter refuel, I would need aerial tanker support, et cetera. I didn't have it.

So anyway, so we moved [REDACTED] the CIF to the ISB. Also with [REDACTED]

[REDACTED]

that, we had guys out of Mildenhall that flew into Croatia, picked up additional support elements in Croatia, and moved them to the ISB. We had the USAFE airplane go to Stuttgart, then down to Croatia, pick up stuff, and then take more stuff down to the ISB.

And that was basically it for 11/12. On the 14th --

Q Let's don't get --

A Yeah, yeah.

Q Back to that. So one of the comments the CIF commander made was: We got at a field, we got the word, we repacked our trash, and basically we sat on the tarmac for 9 hours waiting on a ride.

A Okay.

Q Does that sound accurate to you?

A Yeah, that sounds accurate. Remember, we had -- prior to N-hour, [REDACTED] too, employed. So the other thing is I was keeping my powder dry in case while [REDACTED] was in route, something popped, you know, at Tunis, or you know, Tripoli, or something like that. So I needed -- I needed a place and a mission. We didn't have a place and a mission until ISB was declared. So once the ISB was declared and N-hour was established, then I knew how long I had to get to the ISB.

Q Yes, sir. Once it becomes apparent that the CIF cannot meet the required [REDACTED] do you have an obligation to notify EUCOM or anyone?

A Yes, right. [REDACTED] realize that was 9 o'clock in the [REDACTED]

morning. And at 9 o'clock in the morning, the CIF was getting -- the first load of the CIF was getting loaded up. But they weren't going into an operational mission. They were doing an administrative move after that.

Q Well, I guess help me understand this.

A Yeah.

Q This is the problem. So from what I understand, the CIF had [REDACTED] --

A [REDACTED]

Q [REDACTED]

A Right.

Q [REDACTED]

A Okay.

Q And that requirement includes that the CIF be wheels up [REDACTED]

A Aircraft-dependent is the caveat I keep on going back to.

There were no -- [REDACTED] the CIF doesn't have aircraft standing by to go pick it up.

Q So this requirement, [REDACTED] although it's on paper, it doesn't mean anything because --

A Yes, it means something.

Q -- it gets to the organic aircraft --

A When it's -- I'm sorry, I didn't mean to interrupt. Go ahead.

[REDACTED]

Q No, please, go ahead.

A Okay. Yes, it means something. It means that -- it means that everybody has a timeline, so the CIF knows when they're supposed to be there, and it gives me the authority to demand aircraft out of USAFE, which are not organic to me. It also gives me the authority to divert my own aircraft from whatever they're doing. I have command authority over them anyway, from whatever they're doing, pull them in, say this is in extremis, you're going to have to do this other thing. I don't care if you're flying for 3 hours doing something else. You're now going to be on the [REDACTED]

Q I guess I don't understand why there's [REDACTED]
[REDACTED] Are they not -- is [REDACTED] not somewhat codependent on the CIF for a possible mission?

A Okay. So I have to ask you where [REDACTED]
[REDACTED] They are an ocean away, and I've got time to get the CIF onboard aircraft.

Q Yes, sir.

A I can get them on at [REDACTED] something like that. I can still -- I can still beat [REDACTED] to wherever they're going.

Q Sure.

A Because they're an ocean away.

Q I guess it sounds like [REDACTED] is an arbitrary figure. It doesn't mean anything because --

A No, it's --
[REDACTED]

Q -- if there's no organic aircraft and you can't meet the [REDACTED] timeline, what's the point of [REDACTED]

A [REDACTED] is to have people compelled. Now, I also want to go back to what I said earlier is that the probability of something happening --

Q Uh-huh.

A -- and N-hour being declared and we're standing there flatfooted is highly unlikely. So when the N-hour is declared, there is a high probability I've already started increasing readiness, or the theater has already started increasing readiness. I'd be surprised if all the other component commanders, if anybody else that comes in here said, you know, I woke up and N-hour is declared and I hadn't done anything. That's highly unlikely. There's a sequence of activities where commanders know that they have to increase their readiness posture prior to N-hour ever being declared. So the incident happened at 9:42? Was that -- I think that's when the --

Q Correct.

A Yeah, 9:42 is when I know the consulate was attacked, and N-hour was called almost 6 hours later at 03 in the morning. So you've got [REDACTED] to increase your posture and to do stuff. So the question is, what aircraft do I have? Organically, my mission is to put people into N-hour sequence. And for the aircraft, they go into crew rest allegedly at N-hour, which I already told you, I backed that up to like midnight, somewhere between 11 and 1 o'clock in the morning. So those guys are in crew rest there. I'd already backed that up.

That allowed me to pull -- instead of being ready at [REDACTED] [REDACTED] for crew, legal for alert is what they call it, I was now able to go about 08 in the morning, which is 5 hours after N-hour had been declared. So I just bought about [REDACTED]

[REDACTED] You see what -- I know it's complicated. It's ridiculous, but it makes sense to aircrews and guys like me that have to manage those guys. So I borrowed about 7 hours of readiness by putting those guys into crew rest.

Q I understand that, sir, and I appreciate it. I guess I just can't -- what I'm trying to understand is --

A Yeah.

Q -- is the fact that the CIF did not meet [REDACTED] requirement and --

A No, that's not -- it's not the CIF. The CIF -- the CIF's job is to be at the departure airfield ready to go. It's the theater's response -- theater's requirement to get the aircraft there to pick them up. You know, I'm saying that the aircraft from the theater were not there. My aircraft were 7 hours ahead getting ready to do what they were supposed to do. So the CIF did what they were supposed to do. They, [REDACTED] and his guys, met their mission. They were ready to go well before [REDACTED]

Q I understand that. Absolutely. He was there and he was ready to go and he was waiting on a plane.

A Yeah.

Q But the EUCOM commander owned that CIF, and that CIF is on [REDACTED]

an [REDACTED] And I guess my question is, is there a requirement to notify the EUCOM commander they're not going to meet [REDACTED] Because I assume that the EUCOM commander had an expectation associated with [REDACTED] in terms of being able to employ that asset.

A Yeah. I mean, there are discussions going on all the time. Also at this time not only the EUCOM commander, but also SOCAF and AFRICOM, okay, they had to be informed on what the CIF posture was or the availability of the CIF.

So [REDACTED] realize that's about 9 o'clock in the morning now, the first aircraft has landed, and they're loading that aircraft, as far as I know, about that timeframe. So the first aircraft was there. So if you needed it earlier, I could have got it there earlier, but the mission was to go to the ISB. The mission wasn't to be on an airplane [REDACTED] The mission was to get on the airplane and go to the ISB. I am trying to get you past [REDACTED] So I just had to be there before [REDACTED] because there was no mission for the CIF once they got to the ISB.

Q I mean, I understand that. I guess it just sounds like -- I know the CIF commander indicated that basically they got to the airfield and they waited around -- they sat on the airfield for 9 hours waiting on a plane. So that plane didn't arrive till after lunch --

A Okay.

Q -- according to his -- but I mean -- but you're indicating that you direct --

A To go to the ISB.

[REDACTED]

[REDACTED]

Q Correct.

A And what I'm telling you is that it's pretty much an administrative move from the airfield to the ISB because there's no mission beyond that. Remember, SecDef said deploy. He didn't say jump into operations. He didn't say go kill people and break things.

So [REDACTED] he met his requirement. We had already pulled forward the readiness on the aircraft, so organically, I was [REDACTED] ahead of where I was supposed to be.

Q Yes, sir.

A The other aircraft that were supposed to pick him up, they were not there. Didn't need to marshal aircraft to get there because, on my own timeline, I could get them down there still ahead of [REDACTED] [REDACTED] which is their requirement. The purpose of going to the ISB is to set up the ISB to receive [REDACTED] [REDACTED] not to get onboard aircraft and go kill people.

Q So in your mind, that's your only concern, is to ensure that you have the CIF in place at the ISB prior to --

A Yes.

Q [REDACTED]

A Yes.

Q That's your overarching concern?

A That's my overarching concern, absolutely. That's my mission at that time.

Q And in that evening, as the events developed, did you receive any guidance on what your mission was going to be or what the

[REDACTED]

CIF mission was going to be other than in direct support [REDACTED]

A It defaults to support to [REDACTED]

Q And were you privy to discussions about possible missions that [REDACTED]

A No. There was only conjecture inside my headquarters. I mean, it -- you know, the conjecture inside my headquarters was, okay, they are going to bounce to the ISB to go into Benghazi, or they were going to go into Tripoli or Tunis.

I found out later -- I didn't know it at the time, but I found out later that the majority of the planning, once they got to the ISB, was actually to go into Tunis, not to go into Tripoli or Benghazi. And in fact, the [REDACTED] on the ground in Tunis, followed by CIF guys 2 days later. So that was in the first 36 hours -- I'm sorry, 48 to 72 hours once they get to the ISB.

Q Were you privy to any of the other contingency operations or conops that were being considered in response to the Benghazi attacks that evening?

A No, none. I had no idea.

Q And did you ever communicate with General --

A Wait. Let me add one thing here. So I was in communication with Brian Losey over at SOCAF. And I had -- I had all the assets, I had CIF, I had all the pieces, parts of it. I was assembling stuff back in Germany to join the CIF. I was putting it all together, and I called Brian, I said, "Brian." He said, "Hey, I'm going to activate the CIF sharing agreement." I said, "I got that." I said, "Let's do

██████████

this."

Q What is that, the CIF sharing agreement?

A At that time, AFRICOM did not have their own commander's in extremis force. So under certain circumstances, they would borrow the EUCOM commander's in extremis force, if it's available, and provide it to AFRICOM, and it would be under his operational command.

So early on, after the alert, Brian and I talked, he says, "Hey, I'm going to activate the CIF sharing agreement." I said, "Roger." I said, "Let me do this for you, though, because I've already started moving stuff where it needs to be. Let me get it to where you want it, or AFRICOM wants it, and then I chop it, operational command, to you."

He said, "Roger that." Because he didn't have the ability -- that means he would have to order airplanes to come over and pick up my guy. I've got all that stuff, man. You don't have to do anything. I'll get it to wherever you want it.

So he made a reasonable decision. He said, "Roger. Just move it, and we'll tell you where." And that became moved to the ISB.

Once they got to the ISB about 8 o'clock that night on the 12th, I called up Brian, I said, "Brian, they're all there. They're all yours." Operational command has passed. So I gave them the VOCO shortly after they got there within minutes, and the message traffic followed some hours later, which is normal.

Q So once you gave that VOCO to Admiral Losey at AFRICOM, you no longer had control over the CIF?

██████████

[REDACTED]

A I had no operational control over it, but I still had obligations to support them. You know, I mean, Brian didn't have stuff to support them with. I had all that junk. And I just -- I just, whatever he needed, I was flowing it down there. If he needed something, no questions asked, make it happen.

Q Did you ever communicate with General Ham that evening?

A No, I did not.

Q Did you ever communicate with General or Admiral Leidig that evening?

A I didn't personally talk to him. I was in VTCs where he was on the video teleconference.

Q Did he ever issue any specific guidance to you and/or SOCEUR and/or the CIF?

A No.

Q Nothing?

A Huh-uh. I don't -- I don't recall any.

Q I mean, I guess, did AFRICOM give you any guidance whatsoever? I mean, I know you're not in their food chain per se, but --

A What I saw at AFRICOM, what I personally saw at AFRICOM is they were focused on [REDACTED] into theater or into position to where they could respond to something. That was their focus.

Q Just to be clear for the record, when you say [REDACTED]
[REDACTED]

[REDACTED]

A [REDACTED] yeah.

Q Thank you. Go ahead, please.

A Right. So they were focused on getting [REDACTED] [REDACTED] into theater and into position to respond to -- or do something. That was their focus. I was just a supporting sideshow to them, I think. That's a bad word. That's not true. But you know, I don't think they ever contemplated employing the CIF.

Q And did you ever communicate with EUCOM, your commander during the evening?

A Admiral Stavridis, realize that he was up in Mons, Belgium, he's dual hatted as the NATO commander, so I really dealt with the deputy commander and the J3. The deputy commander really wore the admiral stars as well, you know, so there was no issue there.

Q Did they give you any guidance?

A No. I was reporting to them. I was -- [REDACTED] [REDACTED] I was making stuff happen, you know. I was telling them what was going on. And they -- you know, they just knew that if I had requirements, I had to bring it to them. I don't recall them giving me any guidance on readiness posture or destinations or any of that stuff.

Q In addition to Admiral Losey, was there anybody else you had regular communications with that evening?

A If I sent something to Admiral Losey, [REDACTED] [REDACTED] as well.

Q And what was his billet at the time?

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] But you know, whether he got it or not, I don't know. He never told me things, or you know, roger that, or any of that kind of business. It was my duty to increase readiness and report.

Q [REDACTED]

A Yeah, I think that's it.

Q [REDACTED]

A Yes, that's correct.

Q Thank you.

A [REDACTED]

[REDACTED]

Q As again, as the night enveloped, were you -- how were you keeping abreast of what was going on in Benghazi specifically, or were you?

A Well, okay, so we continued our battle update briefs hourly, just finding out what was going on. They decreased in time length because we were -- after the first two, I think, we were really on the AFRICOM battle rhythm, which is driven by the VTCs that they had to have with the East Coast. And so whenever there was a VTC with AFRICOM, EUCOM, Joint Staff, [REDACTED] I was in the JOC standing

[REDACTED]

by to respond.

Q Was that your source of information about the events of Benghazi?

A Right.

Q Did you have any other sources?

A My intelligence section, my intelligence staff was feeding me intel, too, you know. There was no variation in -- I don't recall any variation in what they were telling me.

Q At what point did you become aware that the Ambassador was no longer missing but in fact --

A Dead.

Q -- dead?

A Okay. So shortly after the -- shortly after the ISR picture came up, and that was about 10 after 11:00, quarter after 11:00 on the night of the 11th, it was shortly after that we saw the online picture. I think it was a Twitter picture of the Ambassador being carried by Libyans, and he did not look good. He looked dead.

And so I got the surgeon in there, and I said, "Doc, what do you think? He said, "That doesn't look good." Blue lips, you know, limp body, he said, "That doesn't look good." So we suspected he was dead. And shortly, I would say probably 11:30, 11:45 -- but we didn't get confirmation until some time between 1:00 and 2:00, I would say.

Q Does that change your planning or posture in any way when it -- once you found out the Ambassador is passed, does that change anything in terms of your planning or your requirements?

[REDACTED]

A No.

Q You'll still relegated to [REDACTED]

A Yes.

Q -- aspect [REDACTED]

A You know, that -- nobody's turned me off. Nobody's told me to stop.

Q And the fact that the Ambassador had passed, was there any discussion that you were privy to that this changed the necessity for

[REDACTED]

A No, because the criteria [REDACTED] had already been met, [REDACTED] which was attack on a U.S. diplomatic facility or U.S. interest or persons. And it's certainly a diplomatic facility and a diplomatic person, you know, put it in the very clear [REDACTED]

[REDACTED]

Q But obviously, on the morning of the 12th, by now everybody's left Benghazi and they're in Tripoli. Were you aware of that?

A No. Honestly, I had no idea who was -- who was left in Benghazi or any of that kind of stuff. What I did see was on ISR probably about 2 in the morning or so, ISR went over an airfield, which I assume was a Benghazi airfield, and there was a large contingent of armed men getting on pickup trucks. And I didn't know who that was or what they were, but they were milling about around pickup trucks. I'm pretty sure it was about 2 in the morning, 2 or 3 in the morning, and I asked who that was, again, to the guy listening to the radio

[REDACTED]

traffic. And he said that was the 17th February Brigade. I think later on I found out it was the 17th February Brigade, which it was, I think, [REDACTED] I don't know.

But I didn't know who they were at the time. And I think they were the relief force. But I thought they were going to go relieve the consulate. And I wasn't aware of any relief force coming from Tripoli. I didn't know anything about that.

Q So you weren't aware that the team that left from Tripoli, you weren't tracking those guys at all?

A Huh-uh, I wasn't aware of that.

Q And once you realized that [REDACTED] activated, and obviously your guys are going to have to go overseas, what kind of country clearance, coordination did you engage in? Did you have any responsibilities, or was that pushed up to higher?

A Well, that's normally, it's pushed up to higher, but I had a liaison officer that reported in for duty into Rome on Sunday, and this is happening on Tuesday, so we whistled him up right away and told him, hey, you better strap it on, buddy, because it's coming. And so he let the embassy know and other people that we would probably be coming in in a big way.

And so he helped facilitate stuff, and we really worked through him. I worked through my liaison officer. As I mentioned, we had, I would say, cooperation with the Croats there. They really -- they gave us everything we ever needed or wanted. There were no issues with diplomatic clearance, departing their airspace. I thought there was

going to be diplomatic issues bringing combat forces into Sigonella.

I think the last time that was done was -- well, I guess actually it was for Operation New Dawn, when we bombed Libya. [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q And did you have any issues that night from your perspective?

A No.

Q Talk a little bit about the AFRICOM CIF that was being stood up, and in fact, did not stand up until October 1st. Were you tracking the development --

A Yes.

Q -- and creation of that?

A Yes.

Q Talk about that, please.

A Okay. So that element was out of my former command of 10th Special Forces Group back at Fort Carson, Colorado. And I went -- the agreement was that you would share the European-based CIF until 1 October. And so after Cairo happened, or you know, things started getting more and more like, okay, where are we at here, where's the CIF, what's going on There? So 1 October, and they were -- AFRICOM was holding hard and fast to 1 October. I said, okay, that's no issue

[REDACTED]

[REDACTED]

for me.

And so I was just tracking them to 1 October. So once the CIF got employed down to the ISB, they were further employed at the various embassies. As a matter of fact, they went into Tunis, as I mentioned earlier. I found out later that they actually flew around to Djibouti to help out in Khartoum because they were needed in Khartoum. They got as far as Djibouti, but that was -- that was right sporting going over that way.

In the meantime, the AFRICOM CIF finished their certification.

Q When did they finish that?

A They met their timeline on or about 1 October. I think they came over after 1 October. And then they did some stuff in Stuttgart and in theater after 1 October. But AFRICOM kept the European-based CIF until early December. So they were going to -- they were going to do -- AFRICOM wanted the CIF to get spun up on the situation and do things there and get fully aware of what was going on in AFRICOM. During the month of November, then in December, we were relieved by the AFRICOM CIF.

Q Going back to your CIF that you commanded, the commander -- the CIF commander indicated that he was [REDACTED]

[REDACTED] [REDACTED]

A I'm sorry?

Q The table of organization.

A [REDACTED]

Q Yes, sir. Is that typical?

[REDACTED]

A [REDACTED]

[REDACTED] the commander and I wanted to make sure that they were manned and squared away.

To get into the CIF, you have to pass a couple of courses, and they're very difficult courses. And some -- you know, you put qualified guys in there, they're already very well trained and qualified, but these courses are very difficult because the standard of performance is there is no failure. You have to be perfect every time. So a lot of guys just don't make it.

So keeping that manning in that organization when you're moving people every 3 years is very difficult to keep them manned at 100 percent.

Q And I also understand that that night, apparently there was [REDACTED] that were scheduled for rotation over Afghanistan. Did you ever consider the employment of them?

A Yes.

Q Making them available for response to Benghazi?

A Yes. They were put on backup.

Q Okay.

A Yeah, they were -- they were put on alert back in Stuttgart to be prepared to move forward to reinforce.

Q And again, I just want to make sure this is accurate. When it comes to [REDACTED] they always

have to marry up in order to do the RSOMI issues, as well as receive --

A They don't always marry up because [REDACTED]

Q But assuming they're going to be working together, they would have to marry up at some point?

A Yes.

Q Okay. All right. Talk a bit for a minute about U-28 aircraft. Do you know what U-28 aircraft is?

A Yes, I know.

Q What is it?

A A U-28 is a modified Beechcraft King Air that can be modified to do a couple of things. It can be primarily used for intelligence, surveillance, and reconnaissance. You can have a ISR ball on it where they do video reconnaissance. [REDACTED]

Q Yes, sir.

A Okay. [REDACTED]

[REDACTED]

Q [REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED]

A [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Were you aware that there were a couple of U-28s on Suda Bay the night of the attacks?

A No, I had no idea.

Q Have you since learned whether or not they were there?

A Just now. This is the first I've heard of that.

Q If knowing what you know about the attacks in Benghazi, knowing what you know about U-28s, is there a mission that those U-28s possibly could have been utilized for, assuming they existed, that you can think of?

A You're asking a hypothetical question. I can give you a hypothetical answer.

Q Thank you.

A Hypothetically, they could have got up over the --

Ms. Sachsman Grooms. Hey, Mac, I'm not sure where you're getting the U-28s in Suda Bay from. We have the force posture. You want to use that? And maybe I'm just misunderstanding what the words are on

[REDACTED]

[REDACTED]

this. What I have in Suda Bay is an [REDACTED] Do you want to see that?

Mr. Tolar. No, thank you.

General Repass. Those are all big aircraft. This is -- the U-28 is small Beechcraft.

BY MR. TOLAR;

Q Go ahead and answer my question, please.

Ms. Sachsman Grooms. So you're asking him a hypothetical off of something that we know from the force posture was not in Suda Bay?

Mr. Tolar. Thank you.

General Repass. You probably wouldn't find that --

Ms. Sachsman Grooms. And representing to him that it was in Suda Bay?

Mr. Tolar. I'm asking a hypothetical question, thank you.

Ms. Sachsman Grooms. Well, you started by representing that there was one.

BY MR. TOLAR:

Q Assuming they were there, please answer my question.

A You would want to get it up for reconnaissance purposes. So I don't know what their alert posture was or any of that kind of business. So they've got to go through crew alert, flight planning, preflight the aircraft, and then fly the -- actually fly to wherever they're supposed to go. So I guess you could fly them to the consulate, which was either under attack or post-attack. So I think you're probably talking 2 or 3 hours for them to respond. I don't know. I

[REDACTED]

[REDACTED]

have no idea what their response timeline was.

Q Irrespective of the response timeline, but in terms of that,
was there potentially an ISR mission, assuming there was, [REDACTED]

[REDACTED]

A [REDACTED] [REDACTED]

Q Uh-huh.

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Yes, sir.

Mr. Westmoreland. But what --

Mr. Tolar. Go ahead, sir. Yes, please.

Mr. Westmoreland. I was just going to ask. I went to Suda Bay.

General Repass. Yes, sir.

Mr. Westmoreland. And was inquiring about it because we flew from -- it was not that long a flight. And from, I think, Suda Bay to Benghazi was something like a 45-minute flight or something.

General Repass. Okay.

Mr. Westmoreland. I don't know exactly. But they told me that these were Special Operation aircraft --

[REDACTED]

[REDACTED]

General Repass. Okay.

Mr. Westmoreland. -- that rotated. They do like 3 months somewhere or 4 months somewhere and then rotate somewhere else. I guess it was just --

General Repass. Yeah.

Mr. Westmoreland. -- a mission specific kind of thing.

General Repass. Right.

Mr. Westmoreland. And they told me that it was a Special Operations aircraft. But they relayed to me that there was either two or three of them there on the night of the attack.

General Repass. Okay.

Mr. Westmoreland. Now, whether or not that's true or not. They said the exact same thing that you [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

General Repass. It wouldn't be.

Mr. Westmoreland. But who has control of those planes? Do you know?

General Repass. Yeah. Okay. So there are two possibilities there. So the first possibility would be that those aircraft were over

[REDACTED]

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[REDACTED]

Mr. Westmoreland. And so, as far as an ISR goes, to me, that would have been the thing that you could have got there the quickest. And that would have more time, more flying time probably because of the short flight that it was. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ■

Now that's just a country boy trying to figure out, you know, what was going on, but that seems to me the most utility aircraft that was closest and available at the time.

[REDACTED]

[12:01 p.m.]

General Repass. Were you in here when I talked about the IRS coming over the Benghazi compound?

Mr. Westmoreland. Yes, sir.

General Repass. I was unable to tell friend from foe. I had no idea who these people were. And I don't know that there was any communications with whoever was left at the Benghazi compound.

So assuming that you get an IRS bird up there, he's going to have a similar -- if you get one of these U-28s up there, he's going to have a similar challenge. You know, does he have communications with anybody on the ground? And how do you identify friend from foe?

And that -- you know, I -- I don't know. From my personal observation, I could not tell who the good guys and the bad guys were. I have no idea who was walking around that compound that night. So you would have a similar --

Mr. Westmoreland. Well, and that would probably have been over, but the Annex would not have been over.

General Repass. Right.

Mr. Westmoreland. And those Special Operators over at the Annex, supposedly, were able to laser where some of these targets were.

General Repass. Sir, I got to tell you, I -- I found out about 6:00 in the morning that two Americans had been killed there, two additional Americans had been killed down there. I'm like, what the hell happened? I mean, what -- what happened? They said, well, there's another facility off to the side. Well, who knew that? You

know, we had no idea.

Mr. Westmoreland. You didn't have any idea?

General Repass. Had no idea, none, that there was a special -- you know, special activity off to the side over there. Didn't know that.

Chairman Gowdy. Lynn, there were two questions, I think, implicit with what you were asking the general. One is whether or not -- how to determine whether or not that particular asset was where you questioned it might be.

What is the best way, General, for -- if our roles were reversed, that you simply had to answer the question of whether or not it was available, what is the single best way to answer that question?

General Repass. I would ask Air Force Special Operations Command.

Chairman Gowdy. Okay.

General Repass. Via U.S. SOCOM.

Chairman Gowdy. And, in fairness, that is a separate line of inquiry from whether or not you decide to deploy that asset.

General Repass. Yes, sir.

Chairman Gowdy. I mean, obviously, if it's not there, you don't get to make that decision. But even if it were there, your testimony was then you'd have to determine whether or not that is something that would be valuable given the facts?

General Repass. Yes, sir.

Chairman Gowdy. All right.

So it strikes me, Lynn, that we need to nail down whether or not it --

Mr. Westmoreland. Sure.

Chairman Gowdy. All right.

Mr. Westmoreland. And who had control over the plane. I mean --

Chairman Gowdy. Well, I'll settle right now for just finding out whether or not it was there.

Then the other point, General, if you could extrapolate. While you're measured and professional in all of your answers, you seemed to get a little more animated when you were discussing the fact that you did not know the Annex was there at the time.

General Repass. No, sir.

Chairman Gowdy. Whose responsibility would it have been to tell you that, and why would you have liked to have known that?

General Repass. Well, I was under the impression that Americans had been secured by what turned out to be the 17 February Brigade guys. So I didn't think that there was -- I thought -- realized that we were ramping up at the time everything in Benghazi was ramping down. I thought things were pretty much done in Benghazi. I had no idea whatsoever that there were Americans somewhere else there. I just didn't know. So I thought it was pretty much over, and I was continuing to focus, you know, outward into Tunis or Tripoli or wherever.

So as I learned in the -- in the open source timeline, I think the second attack happened at 5:15. So my initial reaction was, well, could we have got there in time? You know, could the CIF have got there

in time? So I did the calculations on this, and the best that I could figure, all things being equal, is the CIF couldn't have got there in time to either rescue those guys or prevent that from happening. And I sleep well at night knowing that, you know, I did my best to get those guys, you know. If there was somebody down there, I would have gotten them. I'm sure of that. But I didn't know that.

Chairman Gowdy. Whose responsibility would it have been to make sure that you knew that? What was your -- what was your information flow?

General Repass. My information -- my intelligence was basically from my intel staff in AFRICOM or SOCAF. You know, I was privy to what everybody knew, as far as I know. I mean, this is an unknown unknown, you know, going back several years to quote other people. I didn't know that I didn't know that until, you know, about 6:00 in the morning when it became known that two more people died.

Chairman Gowdy. Yes.

Mr. Westmoreland. So they started, these Special Operators and the DS agents that they had delivered and gotten over to the Annex, they actually took fire, you know, all the way from leaving into the compound to the time, in fact --

General Repass. Leaving the consulate?

Mr. Westmoreland. Yes, sir.

General Repass. Okay.

Mr. Westmoreland. Or the temporary facility.

General Repass. Right.

Mr. Westmoreland. They took fire. In fact, if you see any pictures of the vehicles, you will wonder how in the world they were even able to drive them to the Annex and get inside the facility. And then there were still some small arm fires going on at that time, which was about 12, I think, or so at night, about midnight. And then they continued through the night, more probing and that type of stuff, and then the actual mortar fire was at the 5:15 something.

General Repass. Right.

Mr. Westmoreland. Now, we all have different theories about why they waited till the guys got there from Tripoli. I've got my theory, and I'm sure a lot of other people have too. But my point is, they were probably setting up this -- in my opinion, setting up this attack. And I know all of this is just hypothetical thinking. But to me, that would have given 5 hours or more, really. I mean, if they had been notified at 9:42 or 9:50 like you were, and these assets were available, they would have been there in plenty of time to have oversight over that. And, surely, somebody had to know that that Annex was there when they were taking fire. You know? I mean, at least -- you know, the CIA -- I mean, I don't know who would have known, but somebody would have known --

General Repass. Yes, sir.

Mr. Westmoreland. -- that they were taking fire. And how the military didn't get notified is just beyond me.

General Repass. I don't know. It was a shock to me on the morning of the 12th.

[REDACTED]

BY MR. TOLAR:

Q [REDACTED]

A [REDACTED]

Q And is your JOC colocated with EUCOM's?

A It's geographically separated by about 100 yards or so.

Mr. Tolar. Okay. Sir, we've gone a second hour here. Let's go off the record.

[Recess.]

Ms. Green. We can go back on the record. The time is now 12:28.

EXAMINATION

BY MS. GREEN:

Q Sir, again, we do appreciate you being with us today. And, again, my name is Shannon Green, with the minority staff of the Select Committee. I'm joined by my colleagues, Peter Kenny and Susanne Sachsman.

I'm going to try to cover some of the topics that my colleagues just talked to you about. And I'll just go from -- we were just talking about this U-28 hypothetical aircraft that, I think, Mr. Westmoreland thought could have been in Suda Bay.

We have no evidence that they were in Suda Bay that night, but Admiral Leidig has testified to Congress about the Benghazi attacks. And he was asked about the availability of Special Operations aircraft, and he said that they examined that possibility and determined that would not be an appropriate course of action. Do you have competence in Admiral Leidig's judgment?

[REDACTED]

[REDACTED]

A Oh, yes, absolutely. He's an outstanding officer. I have no question on Admiral Leidig whatsoever.

Q And aside from whether there was a U-28 in Suda Bay that night, over the last three and a half years of the -- now, the eighth congressional investigation into the Benghazi attacks, the U.S. military has been repeatedly criticized for not deploying air assets into Benghazi that night. And none of the investigations has found any wrongdoing on the part of the Department of Defense.

Admiral Winnefield -- are you familiar with him, sir?

A Yes.

Q -- testified before this committee and was adamant that fighter aircraft would not have been an appropriate response.

Major General Roberson also addressed this claim when he testified before the House Armed Services Committee Subcommittee on Oversight and Investigations conducted a thorough review of the attacks.

And, sir, he said, quote, "There are many factors that go into employing weapons on the ground. And having flown in Afghanistan and Iraq, it is absolutely critical that we know where we are dropping these bombs and who we are going to kill. There was no JTAC on the ground. We had no way of contacting people on the ground from the airplane from the pilot's perspective. There was no way to be able to affect with weapons on the ground. We didn't know who was friendly and who was enemy. There was no way that we could have been able to drop weapons in that environment from a drone or from an aircraft," end quote.

[REDACTED]

Do you agree with the challenges of that environment as described by General Roberson?

A I think I described a similar environment, what I saw with my own eyes. You couldn't tell who was who. Definitely, that's the case. If you are blindly throwing ordnance at somebody out there, you are going to inadvertently kill people who ought not be killed.

Q And you may have not been aware of this at the time, but it was unclear where Ambassador Stevens was located.

A From the very outset when I was alerted, we had no idea where he was. And then we started seeing pictures and found out later on. So for the first 2 or 3 hours, we didn't know where he was.

Q So certainly it would not make sense to drop a bomb or send an aircraft in when our own ambassador is unaccounted for. Is that fair to say, sir?

A Yeah, I -- I would agree with that.

Q General Ham, who was the combatant commander on that night --

A Right. Right.

Q -- has testified at least six, maybe more times, before Congress about the attacks in Benghazi. And he has repeatedly stated that in his military judgment, close air support was not the right tool in those circumstances. Secretary Panetta and General Dempsey have also testified to that point. Do you have any reason to question General Ham's judgment that night?

A Well, I -- again, I concur with that. I've known General

Ham. I've worked with him, I've worked for him, and I trust his judgment. I have -- I have no evidence that would say to the contrary.

Q And throughout the night of the attacks, sir, in any call or SVTC or meetings that you were involved in, did you ever get the sense that safety of U.S. personnel in Benghazi was not being taken seriously?

A No, I -- it's quite the opposite, actually.

Q Ever get the sense that it was not a priority from the Department of Defense --

A Oh, okay. You are asking me a different question. I see. Okay.

No, we -- I entered into the discussion at about 10:50 on 11th of September, 2012. You know, all I knew was there were people missing, people dead, and we needed to help out. And so that was -- that was a very urgent situation. Everybody I talked to and everybody I dealt with was focused on, you know, getting people down there to help out until a decision was made not to go there to do that.

So that was -- that was our overriding concern and priority until about 03 in the morning.

Q And was there a lot of information sharing going on that night throughout the various commands as well as the interagency?

A I don't know about the interagency, to be honest with you. But the commands, you know, we have AFRICOM, EUCOM, JOINT STAFF, SOCOM, [REDACTED] everybody's up on the net talking and trying to make stuff happen. Yeah, there was -- I would say on the Department of Defense

[REDACTED]

side, there was excellent information sharing with -- with some exceptions.

The notable exception that was discovered here today was that, you know, this -- this CIA facility. You know, I didn't know about that until the next morning at 6. That would be an interagency communication that I was not aware of.

Ms. Sachsman Grooms. So you said you understood it to be an urgent situation, and the overriding concern and priority was Benghazi until about 0300 a.m. Is that because at 0300 a.m. -- you're just talking about, sort of, for the CIF? At 0300 a.m., you were told that the CIF was going to be going to the ISB and not directly to Benghazi?

General Repass. I was never told the CIF was going to Benghazi, first off. We just knew there were all kinds of bad situations out there, the most prominent of which was Benghazi. And at 03, when they designated [REDACTED] -- see, Secretary Panetta, he ordered [REDACTED] just to deploy. He didn't tell them to go forward and rescue people or kill people and break stuff. You know, that authority was withheld until the situation gets developed. And that's not unusual, by the way, in this scenario. Almost everything we have done is very typical.

So at about 03 it became less urgent to recover isolated persons, because we knew the ambassador was dead, and [REDACTED] [REDACTED] was going to the ISB. So it was -- it became less urgent, I would say. It's still urgent. We were going to get there in due course.

[REDACTED]

[REDACTED]

Ms. Green. And we'll get into that, actually, a little bit in a few minutes.

General Repass. Yes, sir --

Mr. Kenny. Sorry, General, just real quickly to follow up on that. You mentioned it wasn't unusual that certain authorities were withheld at the time that the deployment order was issued?

General Repass. Right.

Mr. Kenny. I would just like to know, was there any concern at that time that those authorities would be withheld, or that the failure -- not the failure -- the lack of those authorities being issued in any way slowed the deployment of that particular unit?

General Repass. No, it didn't slow the deployment at all. Once the decision was made to deploy, everything goes on an amazingly quick timeline for [REDACTED] to move out. You know, and I've already talked about the availability of air on the theater side.

So that did not slow anything on [REDACTED] side. You know, the thing that was, I would say, a bit surprising to me was that they were directed to go to ISB rather than go into Tripoli or go into Benghazi. I thought at least they would have gone to Tripoli. But as I learned, things were not stable in Tripoli either.

Ms. Sachsman Grooms. Why would it be a concern to go to a place -- to send [REDACTED] to Tripoli if things were not stable in Tripoli?

General Repass. What's that now?

Ms. Sachsman Grooms. What would be the concern of sending the [REDACTED]

██████████ directly to Tripoli if things were not stable in Tripoli?

General Repass. Well, one of the reasons you go to an intermediate staging base is to build up capabilities, so you have, you know, airplanes, helicopters, ISR, combat forces, you know, people ready, all the tools to be successful on the ground. If you are going into an unstable environment, then you don't want to introduce them to very high-end capability into an unstable environment unless it's in extremis.

Ms. Green. Those were part of the conversations regarding where to have the ISB. Is that right, sir?

General Repass. If this particular Tripoli versus Benghazi -- I was never a part of that. I was only part of the discussion of Sigonella versus Suda Bay, you know, because I was giving my recommendation. Hey, you know, don't go to Suda Bay is basically what I told them.

Ms. Sachsman Grooms. Your recommendation was not to go to Suda Bay?

General Repass. Right.

Ms. Sachsman Grooms. Okay. But you also had concerns about the challenges in Sigonella, as you explained before.

General Repass. Yes. I mean, there's some historical examples of unpleasantness happening there.

Ms. Sachsman Grooms. But between the two, you agreed with the decision to go to Sigonella as opposed to Suda Bay?

General Repass. It doesn't matter. The decision was made

██████████

without my input.

BY MS. GREEN:

Q Sir, you mentioned that you were not aware of the CIA facility in Benghazi?

A No, ma'am.

Q But Libya, I believe, was outside of your, sort of, AOR that night?

A Yes, ma'am. Correct.

Q And so perhaps it's not surprising that you wouldn't be aware of a sort of covert CIA facility in Benghazi? Fair to say, sir?

A It's accurate. Yes, ma'am.

Q Okay. At this time, I'd like to, actually, mark an exhibit. I think this would be the only one we have today.

The document I'm going to hand you, sir, is Annex B to the DOD after action report.

A Okay.

[Repass Exhibit No. 1

Was marked for identification.]

BY MS. GREEN:

Q The title is, "Attacks on Other Regional Facilities." And this was provided to the Select Committee.

A Yeah.

Q And I'm just --

A Yeah. I mean, this is -- this is -- you know, this is what we were -- again, this is 11/12 September. This is exactly what was

going on. I am like, hey, if we pull the trigger and go to the wrong place, we're screwed.

Q The first paragraph there, sir, reads, "During the week following 11 September 2012 attack on the U.S. presence in Benghazi, open source reporting from the Associated Press and Reuters painted a picture of anger and chaos in the Muslim world that was directed against the U.S. This appendix will discuss the mob actions focused against the U.S. diplomatic facilities within the task force area of responsibility in Tunis, Tunisia, and Khartoum, Sudan, and the U.S. Government response," end quote.

You alluded to this earlier, sir, talking about the various threats going on in the region and how you had to get it right.

A Yes, ma'am.

Q How did sending [REDACTED] and the CIF to an intermediate staging base enable the U.S. military to better respond to this unrest that was unfolding?

A Okay. Well, first off, you didn't have real action forces close to the problem set. It's always best to get to the problem set. So there are two things going on.

One, you -- in an uncertain situation, you want to put as much combat power as you can close to the problem, and then you want to buy time to develop the situation. You got to get -- you got to get intelligence. You got to get ISR up. You got to get your signals intelligence. You've got to assess the overall situation.

Q And so being in Sigonella enabled the forces to come

[REDACTED]

together?

A We got closer to the problem set, so it decreased the time, the reaction time, potentially, from a relief force to the actual problem.

Q You mentioned to my colleagues in the last couple of hours in the context of the N-hour that there was no mission for the CIF once they arrived to the ISB.

A That's not exactly. Their mission -- there's no operational mission. Their mission is really to do reception, staging, armored movement, and integration of [REDACTED]

[REDACTED] So they are there to advise them on the local situation and help them in any way that they needed help.

Q And that's actually what the CIF commander testified about.

A Okay.

Q He explained to us that once his team arrived at the ISB, they were able to contribute to the planning for security reinforcement and a potential NEO at the U.S. Embassy in Tunis.

A Okay.

Q Do you recall that development?

A I found out afterwards that they had gone into the embassy in Tunis, but I didn't specifically have that conversation with [REDACTED]

Q Sure. There's been criticism directed towards the Defense Department for staging in an ISB and not sending all the forces directly to Benghazi. Major General Roberson also testified about the ISB and [REDACTED]

how that assisted with the region, especially with regard to the CIF.

And, sir, he said, quote, "With respect to was the CIF properly used or not or what we should've, could've, would've done with that, the very next day 19 of those 30 people ended up in Tunis, a compound that was compromised by protests. That security was breached, and the only force we could get in there without fighting our way in was the Special Operations Force to protect those grounds. So I just want to stress, there are other -- I know four people died. In Tunis, four people didn't die."

So essentially, you know, they were able to get in --

A Yes, ma'am.

Q -- at the front end.

A Right.

Q Would the ISB have enabled them to be closer --

A Oh, yes.

Q -- and have better intel?

A I don't -- I don't know if they would have had better intel. The intel -- intel is intel. It's independent of location, until you get on the ground itself, of where the action is taking place. So in regards to ISB and having better intel, probably not. What you would have is you would have the -- you would close -- you have the operators closer to the actual intel that they were consuming and using downrange. So, I mean, you have -- you would have everybody formed up in the task force and then paying very close attention as opposed to you are going home to have dinner with the family and all of this other routine stuff

[REDACTED]

that would happen if they were back in the States or up in central Germany somewhere.

Mr. Kenny. Could I just follow up briefly on that, General? You've indicated a few moments ago that the use of an ISB would potentially allow there to be time to develop a better understanding of the intelligence situation on the ground. And I just would like to ask from your viewpoint where you were sitting on the night of the attacks, you described for us some of the ISR, specifically, that you were viewing. But how would you characterize the completeness, the accuracy, of the information that you were receiving in real time?

General Repass. On the night of 11 and morning of the 12th, it was -- it was pretty limited information, quite frankly. And I was more concerned -- okay. I had formed an opinion on what was going on on the ground by what I saw on the ISR and what I was told. The ambassador was missing. No, he was found, and he was dead. His body was recovered. I remember those -- those reports. I was getting relevant information, but it wasn't compelling to anything that I was trying -- I was trying to get done.

Again, my mission was to build combat power and deploy it, and as it turned out, I was basically, you know, moving to an admin move to an ISB to receive [REDACTED] as it turned out. So --

BY MS. SACHSMAN GROOMS:

Q So the information you were getting in, and your sort of personal assessment of what was going on in Benghazi didn't make a

[REDACTED]

[REDACTED]

difference in terms of what you were doing in terms of moving forward as quickly as you could in your mission? Is that accurate?

A For the intel, that's a true statement. Now, the friendly force side or the blue force side, you know, the information I was getting in, you know, became altering, I would say, when they decided, okay, we're going to an ISB. That was about 1:40, 1:45 in the morning. You know, N-hour is 3:00 in the morning, which changed me into a different posture. So that's independent of the intel.

Q Yeah. From the time period that you learned of the attack until 3 a.m., 0300, is it correct to say that you were moving the CIF forward as quickly as possible and pulling together your forces to move forward as quickly as possible?

A The CIF was moving as fast as possible. That's a true statement. I mean, they just -- you've got human factors and physics involved there. So they moved as fast as they could to a departure airfield. Everything else I was tightening up, as I described, getting -- I had already started [REDACTED] if you will, much earlier than I was officially, you know, subject to. So, yes. Based on the information I saw -- look, from the outset, at 10:50 at night, when the phone call came, they said, you know, the embassy had been attacked, and the ambassador is missing. That's immediately [REDACTED] [REDACTED]. It's immediately. So I don't have to know anything else. That's all I need to know, and I could go forward on that alone.

Q And so I understand that from your perspective your -- you

[REDACTED]

know, the situation changed when you were told then to go to an ISB, which happened sometime around 2 a.m., 3 a.m.?

A It's about -- no, it was about 1:40, I think. They designated the ISB, which made it -- which made it imminent that we were going to be told to go to an ISB.

Q But you've gone back and done the math?

A Right.

Q I think you explained in the last round.

A Right.

Q And when you did the math, even if you had been told at that point, go to Benghazi, you couldn't have gotten to Benghazi before the mortar attack, is that right, at 5 a.m.?

A Absolutely. That's correct.

Q Is that true for all of the forces that were under your command --

A Yes, ma'am.

Q -- that night?

A Yes, ma'am.

Q So there's nothing you could have done to be in Benghazi by 5:15 a.m.?

A No, ma'am.

BY MS. GREEN:

Q The CIF commander testified to that effect as well, sir.

A Right.

Q And so in addition to the response that the CIF provided

[REDACTED]

in Tunis, were you involved or aware of the other missions they were planning for at the ISB?

A Generally speaking, you know, I realize it was well out of my depth now. This is another combatant commander, but, you know, I'm generally aware of what was going on.

And I was wondering -- I inquired about punitive raids. Are we going to do anything -- are we going to go get these bastards, basically, is what I said. Should I not say that?

Q No, that's quite all right.

A Okay.

Q I understand there was work done with regard to various intelligence gathering and possibly identifying targets. I believe those were some of the activities they had been engaged in.

A Yeah. And the way I found out about that indirectly, I asked the question out loud, should we go get these guys or not, meaning the bad guys. Let's go get the bad guys, "we," the U.S. And it became an issue. I was wondering why [REDACTED] wasn't actually going out there doing something. You know, my blood was up. I'll just put it that way.

Q Were you aware, sir, of a time the FBI being involved and there being actually an investigation from that end?

A No, I hadn't heard that. But where I knew that the U.S. was, was that [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay. And aside from the activities at the intermediate staging base, on the night of the attacks, you may not have been aware, sort of, time by time what was happening in Benghazi. Is that fair to say?

A Yes, ma'am.

Q The U.S. military, you may have learned after the fact, deployed assets into Benghazi. The first thing they did was to redirect a Predator that had been flying in the east. Were you aware of that?

A Yeah, when -- I saw it when it came up. I didn't know it was a Predator. It could have been -- the only thing, I don't think it was -- I didn't think it was a Global Hawk because of the basing issues over there, and they weren't going to put one of those on the ground in Africa. So I thought it was a Predator. And I had no idea where it came from. I did by deduction, basically.

Q You also mentioned that you were not aware of Team Tripoli that deployed from Tripoli to Benghazi --

A No.

Q -- as a quick reaction force?

A No. Never heard of them.

BY MS. SACHSMAN GROOMS:

[REDACTED]

Q Did you need to know about Team Tripoli to complete your mission that night?

A What's that now?

Q Did you need to know? Was that something that you needed to know to complete your mission that evening? I mean, you're doing a lot of things that evening. And I understand you are in your -- your command.

A Yeah.

Q And the military is a big place, and you're not in command of the entire picture?

A Right.

Q So I guess my question is, you know, did you -- to complete the mission that you had that night, did you need to know that there was a team going from Tripoli --

A Oh, I get it. No, ma'am.

Q -- to Benghazi to help reinforce and to evacuate?

A No. That wouldn't have been relevant to me unless we were told to go into Benghazi or Tripoli, you know. And I was told neither, so it was not relevant.

Q And the same thing for knowing that there was a CIA Annex. Did you need to know that there was a CIA Annex in order to complete your mission that night in Benghazi?

A Again, you're asking -- that's a hypothetical question. I mean, that -- if there were -- if there were isolated U.S. persons out there that we could have helped, you know, by getting people on the

ground, you know, from central Europe, then that would have been relevant information.

But as it turned out, I neither knew about the isolated facility nor the attacks at 5:15. You know, I was still pressing -- it had no effect on what I did or decisions I made. The CIA business had no effect whatsoever on any of the things I did.

BY MS. GREEN:

Q Sir, there's been quite a lot of discussion about the N-hour, not just today, but in other interviews and in other investigations.

A Right.

Q When we spoke with the CIF commander, he said that once he was re-notified of the unrest in Libya, they started moving and nothing stopped them.

A Right.

Q And at some point they learned that the ambassador was deceased and the crisis situation was no longer in place. And as he described it, the N-hour really was irrelevant, because they went into more of a deliberative planning cycle. Is that consistent with your understanding, sir?

A I would underwrite that. You know, I wouldn't say N-hour was irrelevant, but from [REDACTED] perspective, that's a true statement. I would underwrite his statement there.

You know, it may have been irrelevant to him because of his piece in that, but it wasn't irrelevant to me in my piece. You know, I had

larger pieces than what he was dealing with, so --

Q Does the N-hour serve more as a coordinating mechanism?

A Yes. Right. It gets everybody on -- it gets everybody on the same timeline so that they know what their milestones are that they have to meet or actions that have to be completed. And it's -- realize, it's a concept plan. It is not a -- it is not a -- it is a concept plan with -- that is to be matched with actual conditions on the ground or in the environment to be developed into a formal written plan, so to speak. So it's only in concept -- it's more than in concept. It is a well-rehearsed, well-defined concept, but it has to be matched to reality. And the reality that I have [REDACTED] was that there were no aircraft on bravo alert or any of that kind of stuff to pick my guys up [REDACTED] That's just reality.

[1:00 p.m.]

BY MR. KENNY:

Q And sir, just to follow up on some of my colleagues' questions, in the last round there was a discussion about the issue of crew rest on that night, specifically for the pilots of the -- I believe of the MC-130s that were located in --

A Zadar.

Q Zadar.

A It's Zemmik air base in Zadar, Croatia.

Q On the night.

A Right.

Q And I think you'd described for us that your understanding that night is when the unit down there was notified of the attacks, that there was a decision to put those air crews into crew rest around that time. Is that accurate?

A So it's a good clarification point. So when I -- the conversation I had around 1 o'clock in the morning with the air commander was, okay, what's the posture of your crews? My crews are down, et cetera. So if you want to be legal for alert, set them down. So we worked through all that business.

The question was, do we wake them up to go into mission planning to fly someplace? And we didn't have a place to go? So I said, no, leave them in crew rest, you know, keep those guys in crew rest so that -- until we have a destination. And then we can -- you know, whenever -- whenever that comes up, we can -- if we're going into

action, you know, going into Benghazi in this case, or Tunis or Cairo, if we're going into that, we're going to wake them up, and we're going to do this.

So I mean, that was my sentiment at the time. But there was no reason to wake these guys up. I think they self-declared I'm in crew rest. I think the unit themselves said, okay, I'm going to go into crew rest because they're going to need me sooner than the old man telling me to go into crew rest. And I think that was up to about 2 hours prior.

Q And I certainly appreciate that. I think that's a helpful clarification. I think what we're trying to understand, I didn't want the record to be left open on the point of the air commander, who's located with that unit, received notification of the attack, that he then places an air crew into crew rest.

A [REDACTED] he's required to do that.

Q Right.

A So he did the right thing.

Q And I think just what was missing from our perspective is the explanation for that, why that's a good thing under the plan.

A Right. Yeah. So even though [REDACTED] [REDACTED] -- hey, con plan is activated, so you know, when I told everybody that, they knew what their actions were. So he was already taking actions when I said no. I underwrite the fact that he was in crew rest already at 01.

Q Sure. And I certainly appreciate that, sir. I think we're

just trying to understand the purpose behind that action in the plan. So not questioning anybody's individual decision on the night.

A Okay.

Q But why the plan called --

A Okay. So let me -- so let's say N-hour -- N-hour is midnight. So when N-hour is called, you don't know where airplanes are in the theater. I may need a C-17, which I don't own, to get wherever we're going. So I've got to get a C-17 from somewhere. And they do what they call inservice select. If there's one coming in from Balad or one coming in from, you know, Afghanistan, you know, maybe there was one that's coming in that we can reconfigure, put a new crew on out of Ramstein, and get it to where it needs to be, either Stuttgart, or in this case, Croatia.

Q What you're describing for us is these are the general planning --

A These are the general. Yeah, so the theory is, is that you get the right aircraft to get you there, and that the [REDACTED] [REDACTED] the MC-130s, those are not the primary deployment aircraft. They are infil and refuel aircraft, in-flight refuel aircraft. They're not deployment aircraft.

Okay. So the deployment aircraft have to come from USAFE or TRANSCOM. It could be a C-5, it could be a C-17, whatever is available, you know, so --

Q Can you maybe just explain that a little bit further for us, why other aircraft that may be owned by other components, USAFE

[REDACTED]

or others, why those are the air assets that would be relied on for deployment for the CIF?

A Because they're primarily cargo and troop transport aircraft. The reason they are modified C-130s under my command is to do penetration in a hostile airspace or hostile territory [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay. And so from your vantage, you mentioned one potential mission being a penetration into hostile territory. Was that not a potential consideration on the night, in this timeframe, when you're having --

A Well, it was certainly in my mind.

Q Okay.

A It was in my mind, and that's why -- that's why I put those guys under crew rest. I wanted them to be as ready to go as possible when they said, you know, go to Tunis or Tripoli or wherever. You know, because it was very clear that things had gone wrong or badly, you know, for the U.S. Government at this point in time.

Q So I think a little bit of the paradox from those of us outside --

A Yeah.

Q -- looking in --

A So that was -- that was clearly a penetration and potentially an unimproved landing site operation. It was clearly a

[REDACTED]

Special Operation thing there. So in my mind, in my initial planning scenarios.

Q Okay. But in order to get those individuals ready, you put them into crew rest first --

A Right.

Q -- so that they are then available to be used?

A Exactly.

Q So that's, again, just a little bit of the paradox for those of us outside looking in, in order to make these crews available you have to put them into crew rest first so that they're available.

A Yeah.

Q Is that fair?

A So imagine -- imagine in a perfect world here that you have the USAFE aircraft deliver these guys where they need to be. So the CIF gets to an ISB. Let's say the ISB is in Tripoli, and they're going into Benghazi. So you get U.S. Air Forces Europe aircraft that gets them into the ISB in Tripoli.

While that movement is going on, my guys are in crew rest. They get up out of crew rest.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q I see.

A [REDACTED]

Q [REDACTED]

A Yes, exactly, for actual operational employment. Now, the scenario that we were confronting there is that maybe we were going to have an operational employment from where we sit right now, okay, so I've got to get into crew rest so that they're ready to go when the decision is to be employed operationally.

Q And that's helpful. And there was some extensive back and forth on tying air assets and resources to an N+ requirement for assault forces, for the CIF in particular. And I think you described some of the limitations on that. I'd just like your understanding, as commander of Special Operations, did you have aircraft at your disposal that you could always meet that N+ requirement?

A No.

Q And can you explain for us, just from your vantage point, why that was the case?

A Sure. There's not enough aircraft and air crews in the inventory at U.S. Air Force Europe due to all the force structure cuts.

Q Okay. So there's some resource limitations, particularly with air?

A Sure. Absolutely. Yeah, subsequent to all this stuff, when we went to the so-called new normal, and they put [REDACTED]

[REDACTED] They spent millions of dollars just having guys sit around. And you know -- and they were taking those guys out. Their proficiency and all kinds of stuff dropped off. There were a lot of bad effects there because they were drawing from a very small pool of aircraft and air crew.

Q And sir, I believe you said that you remained commander of SOCEUR until July 2013?

A That's correct.

Q Had you seen any improvements post-attack to the availability of air resources for Special Operations for potential in extremis situations?

A For my force, no, not necessarily. But what we did was we made sure that the AFRICOM guys had availability. So USAFE picked up, I think, the first 6 months or so of Bravo alert, and they had a -- they had a crew proficiency and management issue, and I filled up the gap for, I think, 2 months with my guys. And so, you know, nobody told me to do that. I just -- you know, we just worked it out with USAFE and my guys and AFRICOM.

But I tell you, it really burned through my guys badly, too. I mean, that's a hard standard to have guys on standby because, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Just to shift gears a little bit, sir. We discussed your

[REDACTED]

communications capabilities on the night of the attack from where you were seated in I believe it's the SOCEUR JOC. Is that correct?

A Yes, sir. Right.

Q I think you described the folks being on different networks, and we had a discussion about [REDACTED] I understand they are completely separate platforms.

A Oh, yes, sir. They cannot touch each other. It's strictly forbidden.

Q And it sounded, from what you described, most of the communications you were having were [REDACTED] Is that correct?

A Right.

Q Within your JOC, did your staff have access [REDACTED]

A There may have been [REDACTED]

Q And the reason I ask, sir, it's our understanding that the drone, the Predator footage from the night of the attacks was actually available [REDACTED]

A That's not uncommon, yeah.

Q So it's your understanding there was some connectivity

within your JOC [REDACTED]

A Yes, definitely. Absolutely.

Q Okay. That just wasn't your primary --

A No, it wasn't my primary, no.

Q Okay. Did you see that as a challenge in --

A I didn't see it as -- I didn't recognize it as a challenge.

I realize that, you know, when I'm sending out [REDACTED] to Brian Losey in AFRICOM and my JOC, that everybody in [REDACTED] world was reading that. But when I sent it to [REDACTED] [REDACTED] he's not reading that. He's not reading it. You know, and I don't think there was anything that I sent out that night that would have been compelling to him anyway, other than the fact that I was informing him of where the CIF was and what was going on with them. But he got that anyway.

Q Okay. Thank you. And sorry, sir, just real quickly on the point of the JOC. You indicated that you were in contact with -- or at least participated in video teleconferences with Admiral Landolt and Admiral Leidig on the night of the attack?

A Yeah. I don't recall ever meeting Admiral Landolt. And so if he was a J3, he was just in the crowd on the VTC. But Admiral Leidig was very clearly in charge and was making stuff happen.

Q Were those video teleconferences, were those convened within the framework of the focal point at the time?

A I don't know.

Q Okay. Thank you.

[REDACTED]

A They should have been. I'll say that. They should be have been, but I don't know if they were or not. I think the idea was to make sure we got everybody on board.

BY MS. GREEN:

Q General, I'm going to shift gears now and ask you a series of questions. This is now the eighth congressional investigation into the Benghazi attacks. We ask every witness these questions, and we understand our colleagues continue to investigate them, and that's why we ask every witness.

And while anyone can speculate about the Benghazi attacks, and some have, only a limited number of people have personal knowledge about various aspects of the attacks. So what I'm asking for is not your opinion, but just whether you have firsthand information. And if you don't --

A Okay.

Q -- we'll just move on to the next question.

A Okay. Please.

Q There are about a dozen questions, but --

A Okay.

Q -- bear with me. It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered

Secretary of Defense Panetta to stand down on the night of the attacks?

A No, ma'am.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No, ma'am.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchio's, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No, ma'am.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No, ma'am.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

[REDACTED]

A No, ma'am. That's way outside my pay grade.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No, ma'am.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No, ma'am.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down order issued to CIA personnel?

[REDACTED]

[REDACTED]

A No, ma'am.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA personnel who departed the Annex to assist the Special Mission Compound?

A I had no knowledge of any of that stuff.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No, ma'am.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No, ma'am.

Q Let me ask that question for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No, ma'am.

Q It has been alleged that CIA Deputy Director Michael Morell

[REDACTED]

altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duty in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Michael Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No, ma'am.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No, ma'am.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A Well, I know that I was stunned when I heard what she said because it didn't match what I had heard the night of the attack. So I don't know how to answer your question.

Q What is it she said that you believe she said?

A That it was -- I think it was Monday morning in Stuttgart, and I was watching TV as I was getting ready for work, and the conversation was about the video that had been produced that caused

the violence, which is different than, you know, what I had believed up to that point. So I don't know how to answer your question. I assume she deliberately said that. I don't know that -- you're asking me a question that didn't match what I understood up to that point is all I'm saying.

Q And just for reference, sir, the exhibit 1 that I handed you --

A Yes, ma'am.

Q -- from the DOD after action --

A Right.

Q That first page, while we know now there was no protests, at the time, the intelligence community thought that there was.

A You mean no protests.

Q In the intelligence -- the DOD Annex B --

A Right.

Q -- references --

A Oh, I see what you're saying. All right. I get it.

Q -- a film --

A Yes, ma'am.

Q -- and at that time, the Department believed that anger over the film resulted in protestors attacking embassies across the Middle East.

A You said -- no, it says that open source reporting from the Associated Press. You just said DOD believed.

Q Well, this is Annex --

[REDACTED]

A As a DOD guy, that isn't what I believed.

Q -- B to DOD after action report.

Ms. Sachsman Grooms. Did you have any knowledge about what Ambassador Susan Rice was reviewing when she --

General Repass. No, I had no idea what she was reviewing. I had no idea.

Ms. Sachsman Grooms. So you have no personal knowledge or information about specifically whether she said something that she knew to be false?

General Repass. What you just said is a correct statement. No, I had no idea about that. So that's what I'm saying, you know, what I heard was different than what I believed, you know, up to that point. Now I understand your question. I get it. I totally get it.

BY MS. GREEN:

Q And so do you have any evidence that Ambassador Rice intentionally misrepresented facts about Benghazi?

A No, ma'am.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No, ma'am.

Q It has been alleged that a team of four military personnel

[REDACTED]

[REDACTED]

at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations.

Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No, ma'am.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No, I totally agree with that. Based on my own personal analysis, I can absolutely guarantee that. With my force, couldn't

[REDACTED]

[REDACTED]

get there in time.

Q Thank you, sir. Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No, ma'am.

Q Susanne, our staff director, has a couple of questions, I think.

BY MS. SACHSMAN GROOMS:

Q Sir, I just -- I think for the layperson, I want to make sure that we really totally understand why it is that the standard plan in an emergency situation, [REDACTED] is to put your people onto crew rest. Is the idea that you would want to get them as much rest as possible while you're doing the planning in order that when the call gets made about where they go, they're ready for any contingency?

A That's part of it, yes, ma'am.

Q Is there some other piece to it that I'm missing?

A Sure. You know, as I mentioned earlier, you know, you got a movement problem potentially where you're doing essentially an admin or logistics movement to the intermediate staging base and you're not ready to employ Special Operations capabilities to do either penetration and infiltration or to do something else that requires a unique mission capability of the pilot. So you're -- while that business is being sorted out, you can get other people to move your

[REDACTED]

people, move your Special Operators. Okay.

So the idea is not to burn the Special -- Special Operations crew rest day doing things that other people can do. And that's the general arching -- overarching principle here. Okay.

Q Okay. So --

A Does that add any clarity to it? I don't know that I'm -- I'm just restating kind of what I said before, but I'm just trying to add some clarity here.

Q Okay. I think it does.

So you could essentially put those -- that crew onto another plane where -- to get them from sort of point A to point B. Is that your point?

A And put the CIF on another plane.

Q Yeah.

A Not the air crew.

Q Okay.

A You know, and put the CIF on another airplane, somebody else's airplane, a USAFE C-17 or C-130 or something that doesn't require the unique capabilities of Special Operations Aviation, you know, to get to the problems, to get to the ISB or wherever, you know. But I didn't know that at the outset. I didn't know I wasn't going to need Special Operations Aviation, so I had to get those guys into and out of crew rest as soon as possible in the event that they needed to do a penetration or infiltration into Libya or Tunisia or someplace.

Q And you wanted to get them as much rest as possible --

[REDACTED]

A Yes, ma'am, because that's a very high risk operation.

Q So them having been working for --

A Yeah, they'd already burned -- they already had a normal workday, and I was going to burn the night on them, and then they had to work, you know, into the next day. So they'd be going on what, 36 hours. That's when bad things happen.

Q Got it. And then in the time period when your -- I think you had described in the very beginning of the interview, and I just wanted you to elaborate a little bit on it, that the decision about where to send the CIF was extremely important at the sort of outset, that there were serious consequences to getting it wrong, and that you would want to take your time planning that out. I think you described it as wanting to keep your powder dry because there was maybe an 18-hour reset. Can you kind of explain that?

A Yeah, sure. Okay. So let's assume that this is all going on at the same time here.

Q And this is exhibit 1?

A Exhibit 1 that --

Q Of Annex B.

A -- you have here. That's the Annex B to the DOD report. So let's assume that all those incidents were happening simultaneously. So let's take the timeline that it takes to get the air crew generated and then get the CIF onboard and so forth.

So it takes 20 minutes to alert, get your uniform on, get assembled over into the air operations center. It takes about an hour

[REDACTED]

to plan a mission, a little bit more. Then you've got an hour
planeside, 45 minutes to an hour planeside generating, you know, doing
all your preflight stuff. Okay. Even though the plane was
post-flighted and all that other kind of stuff, I mean, you get -- you
get weird stuff. You get birds making nests in engines and things like
that. So you cannot forego, you know, a preflight check. You can't
do that. It's trouble. So that's 2 hours.

In the case of the CIF, they had to go from -- the planes had to
go from where they were in Zemmik Air Base in Zadar, up 180 miles to
Zagreb. Air miles, probably shorter than that. They probably could
have done it in 30, 45 minutes. So now we're at 2 hours and 45, about.

You land, taxi, get over to the CIF, and then you load the CIF.
That's 10 minutes, an hour, okay, so now you're -- you're
3 hours -- 4 hours is where you're at. Get everything situated, take
off, another 30 minutes, okay. So you're 4-and-a-half hours taking
off with the CIF. Okay.

My estimation to Benghazi was around 3, 3-and-a-half hours. So
let's just say Benghazi was the destination. So you're at about
7 hours total. Okay.

Now that plane's got -- let's say you just fly down there and drop
these guys off. They come running out the back, they link up with the
17th February Brigade, they go off and save Americans and all kinds
of great stuff. So now that plane's got to recover. So it's got to
come back 3 hours, okay. And then you've got another hour of
post-flight. So that's 7-and-a-half plus 3-and-a-half. I'm sorry,

7-and-a-half plus 3 is 10-and-a-half, plus another hour of post-flight, so you're at 11-and-a-half hours. So you've burned your crew day right there.

Okay. So now you've got to put them in 12-hour sequence again. You got to put them down for 12 hours. So now you're 23-and-a-half -- let's just call it 24 hours to generate one mission, recover, and get ready for the next one. Now you've got to go through that whole sequence I just explained again, 20 minutes to alert and marshal, hour planning, hour preflight, take off, et cetera.

So if you guess wrong, you've got 12 to 18 hours before you are in position to start it all over again. Maybe, maybe, maybe 8 hours if you've got good intel, you know what's going on. But as a high risk operation, you're using multiple aircraft, you know, all kinds of stuff going on. You've got some -- you've got a lot of planning you got to get done. So --

Q And the timing that you just gave --

A Does that help? I don't know.

Q No, I think that is helpful. And the timing you just gave us is also in a best case scenario, right?

A Yes, ma'am.

Q Because if any one of those particular things went wrong or there wasn't a plane available, then it takes even longer than that.

A Yes, ma'am.

Q Is that right?

A Yeah.

Q For example, you don't have a forklift like you needed?

A Forklift, right. Forklift now down in -- up in Zagreb.

Q Or you need to move the people --

A Well, see, in the case of the forklift not being in Zagreb, the plan on that one would have been just basically to hand load everything. So you go from an hour to load on the ground to now you're probably 2 hours to hand load everything. Because you're hand loading ammunition, special equipment, and all this other kind of stuff. It gets pretty dicey.

Q But each one of those kinds of things which --

A Just adds time.

Q You add time?

A Yes, ma'am.

Q And those are just things that inevitably happen?

A Right.

Q Is that sort of a basic understanding?

A Right.

Q Okay. And what, in your view, is sort of the consequence then of getting the wrong -- is getting the decision wrong on the call of where to go?

A Well, we know -- I found out today that, you know, your comments on Tunis was everybody, you know, hopped into Tunis and nothing bad happened. That's one consequence. That's a positive outcome, or positive consequence. A negative outcome is you go to Tunis, you've guessed wrong, and something really bad happens in Tripoli. So really

bad means like they put a truck bomb at the gate and kill a bunch of people or pull another Dar Es Salaam, you know, suicide bombing with fuel trucks laden with explosives and stuff like that, you know. There's any number of things that could go wrong. I mean, but the point is that you don't want to be in a wrong position.

As it was, they got into the ISB and they guessed right on Tunis, you know. I shouldn't say it's a guess. It's not a guess. They assessed correctly and got into Tunis. You know, and everything else seemed to work out in time.

They also planned, as I found out later and I mentioned earlier, is that, hey, you know, this problem over here in Khartoum, they actually deployed the CIF around to Djibouti, and were getting ready to move those guys in to do an offset infiltration into Sudan to get those guys into the embassy in Khartoum. Actually planned that. So what would happen on night one if you actually had to go do that in Khartoum?

You know, that's a long -- it doesn't look like much on a map, but I can tell you from my own personal experience that if you take a map of the United States and you put Maine on the Suez Canal, California will be over at Senegal. So essentially you are traversing the width and breadth of the United States to get from ISB over to Khartoum. Okay?

Q And if knowing that, the individuals in Benghazi -- so I think part of the question that also comes up is, you know, the individuals in Benghazi were being evacuated. And so some of the

criticism has been, well, why didn't people just send everything we had to Benghazi after the attack, right, knowing that they were going to be evacuated, just to make sure that they were successfully evacuated because you didn't know what was going to happen next.

What would have been the impact of sending the -- would it be that sort of 18-hour reset impact? So you know, you send the CIF directly to Benghazi, it gets there after everyone's already evacuated, and now it's not available to send to Tunis because it has that full reset?

A Yeah, because remember now, you've recovered the aircraft back to wherever it -- let's just say the ISB or something, you know, back to -- I would have brought them back to Zadar in that scenario.

Okay. So now they won't -- they won't be available for a mission until another 8 plus 3 to get down there, so 11 hours from the time they landed on the ground. And then I've got movement over to Tunis in your scenario. And that's probably another 2- or 3-hour movement over to Tunis, just looking at it.

So I wouldn't be able -- if you put them on the ground in Benghazi, it would be 11 hours or so, if not more, before I could get them back. You know, it would be 3, then they'd be down for 8, that's 11, and 3 more, so it would be -- it would be 17 hours, is that right, 3, 3, and 8, okay, 16 hours. Pardon my math. Public school math here. I'm sorry. It would be 16 hours before I could get them back on the ground to reposition them to Tunis, which estimate 2 or 3 hours to move, so it would be 19 hours before they'd be in the right place.

Q So there's a cost. I just wanted to --

[REDACTED]

A Opportunity cost, absolutely.

Q An opportunity cost.

A Yes, ma'am.

Q If we send a force to a place that we think is evacuating, if the -- you know, and I assume that would have been the decision -- those would have been the equations, the judgment calls that the individuals above you were making. Is that sort of --

A Yeah, absolutely. I have full trust and confidence that they were making those judgments out there, that we had to guess right. Everybody knew that we had to guess right, you know. As far as I knew, I was the only thing that could make it happen while [REDACTED] [REDACTED] was in the air, even before [REDACTED] [REDACTED]. So yeah.

Ms. Sachsman Grooms. Thank you. Let's go off the record.

[Recess.]

Mr. Tolar. Let's go back on the record.

BY MR. TOLAR:

Q Back on the record, sir. I just want to follow up with a few questions and get you out of here hopefully in 15 or 20 minutes.

You mentioned earlier something to the effect that Admiral Leidig was on the SVTC, and he was clearly in charge of making decisions?

A Yes, sir.

Q Was that your impression?

A Yes, sir.

Q Did you have an impression whether or not Admiral Leidig

[REDACTED]

██████████

was making the call or was he deferring to General Ham back in the States in D.C.? Did you have an impression about that at the time?

A I got the impression -- I had the distinct impression that they had talked. I don't recall him saying "General Ham said" or any of that kind of business. So he was speaking in his own name, but everybody understood it to be in the name of General Ham.

Q And in terms of those SVTCs that you participated in, did the topic of Benghazi ever come up specifically, or was it more just the global response itself? Did he ever talk about Benghazi?

A Oh, yeah.

Q Or the Annex?

A The Annex, no. I didn't know anything -- again, I didn't know anything about the Annex until much later on. But yeah, everybody was focused on Benghazi, what are we going to do about Benghazi. That was the early discussion. And then it became, okay, now ██████████ ██████████ is coming. What are we going to do with them? Where do they go? And what is the timeline associated with that?

Q And we still have a little bit of -- this isn't you, but we still have sometimes some questions about who had authority to do what. And in terms of Secretary Panetta, he had to get -- obviously, he directed the mobilization of all the assets. Is that accurate?

A I didn't wait for him to tell me to mobilize my guys, but yeah, theoretically, that's his authority to do that.

Q What is your understanding --

A Let me rephrase that. Yes, that is his authority. It's

██████████

not theoretical. He has the authority to do that.

Q What is your understanding of who has the authority to direct assets from an ISB into bad guy territory?

A Secretary of Defense on behalf of the President of the United States.

Q Can anybody else below the Secretary do that?

A Not that I know of.

Q Okay. On the night in question, or subsequent to, have you learned of any Naval assets off the coast of Libya?

A I know for a fact that the USS Mount Whitney was afloat, and -- I believe was afloat, because I had two liaison officers on the Mount Whitney. We were getting ready for a MCATs training iteration in a couple of days.

Q Where is the Mount Whitney?

A It is based out of Giata, Italy, which is just south of -- it's a suburb, literally, of Naples. So I think it was -- I think it was in the Med. I don't think it was off the coast of -- I have no reason to believe it was off the coast of Libya whatsoever. I'm pretty sure.

Q What kind of ship is the Mount Whitney?

A Oh, it is a command and control ship, and quite frankly, it's a noncombatant ship. It's a converted cargo ship.

Q Does the Mount Whitney have combat ground troops onboard, to the best of your knowledge?

A No, sir. It does not. I know for a fact it does not.

[REDACTED]

Q And how do you know that for a fact?

A I've been on the Mount Whitney, and I know what its mission is.

Q Does the Mount Whitney have organic air assets of any kind?

A It has the Navy HH-60s that I had at the time that were subsequently recalled and reembarked later on. Just two HH-60s that are Black Hawk helicopters modified for operations at sea.

Q Those were your aircraft?

A They belonged to Naval Forces Europe that I have on loan for the exercise. Then shortly after things happened, NAVEUR recalled them, and I had to give them back.

Q On September 10th, did the Mount Whitney possess any rotary wing aircraft?

A No, sir, they did not.

Q Okay. Any other Naval assets that you're aware of that night or subsequent?

A I have no idea what was going on in the Navy, other than my own Navy SEALs.

Q Since the attacks, have you learned of any aircraft that were off the coast that might have had combat ground troops or any other kind of troops that could have lent support?

A No, sir.

Q Thank you. Do you know what a site security team is, an SST?

A No, I've never heard of that.

[REDACTED]

Q Do you know if EUCOM has any type -- does EUCOM possess any organic lift capability outside of what you have?

A Yes.

Q Well, I'll just -- I withdraw that other one.

Are there any other assets in the EUCOM AOR, outside of yours, that had the potential to provide a response but they couldn't, weren't engaged, or whatever? So other than yours, did EUCOM possess any other assets, trigger pullers or lift assets?

A I don't know of any, but I know that there are other things in theater that could have been subsequently brought into the equation. You know, there were TRANSCOM aircraft and stuff like that.

Q Let's talk about trigger pullers.

A Trigger pullers, no.

Q EUCOM didn't have anything else?

A They've got forces on the ground over there, but they were unprepared to, you know, deploy in an expeditious manner to get down there to beat the clock, so to speak.

Q I understand that. Describe for me just what kind of options there were, potentially, irrespective whether or not they could do it. What kind of trigger pullers existed?

A Okay. So for ground troops, you had -- you've got units like the 2nd Striker Cav Regiment in southeastern Germany.

Q What kind of unit is that?

A It's a mechanized unit that they would have dismounted troops out of the back. So this is not their mission. This is not

A It would have taken substantial air lift to get them down
.

A The only other thing that could have possibly come into it, know that they can't operate in this environment, is the Army y wing aviation units that were there, 12th Aviation, 11th ion brigades, attack aviation, or lift aviation. So those Army ion units are not qualified to fly at night over water, open water. ey were central -- they were in Central Europe somewhere. And ey weren't deployed to Afghanistan -- this is 2012 -- if they 't deployed to Afghanistan or coming back from Iraq, then they -- I think they were still in Iraq at that time, so things were pulled out. So they were probably -- some of them were in refit, tera. But they were in no state of alert, and they were not red for deployment.

A So it would have been weeks before they got there. And I base that on the actual case history of them taking about [REDACTED]

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[REDACTED]

A No. Well, they had the 173rd Airborne Brigade up in Vicenza.

Q And what do those guys do?

A They're infantry, primarily. They've got two battalions of infantry, and they've got a battalion of artillery, and they've got a reconnaissance battalion and a couple of other things. But they're airborne infantry, meaning they're parachutists. But again, they were not on ready brigade alert status to do anything, as far as I know.

Q So how long -- well, any idea, were they on any alert status do you know of?

A I don't know. I don't know. I know that they were not contemplated as part of the discussion that I was involved in.

Q Were you aware there was a C-17 in Ramstein on Bravo alert status?

A Bravo alert, no.

Q You were not?

A No, this is the first I heard.

Q It's actually the aircraft that conducted or executed the medevac mission to Tripoli.

A Okay.

Q You weren't aware of that?

A No.

Q Okay.

A You know, medevac birds are not the same as -- those things are configured differently than the normal C-17. I mean, they can

[REDACTED]

[REDACTED]

change configuration of flight --

Q Yes, sir.

A And stuff like that, but you've got nurses and all kinds of air crew onboard there that aren't necessarily, I would say, cargo or combat insertion, exfil kind of troops.

Q Okay. Again, I know you talked about this briefly, but just so I can understand, you requested USAFE support to move your folks in the rear to the ISB, correct?

A Yes, sir.

Q And I apologize, but walk me again through that process real quick. So you requested USAFE. [REDACTED]

[REDACTED]

A Right.

Q I need you to get them to the ISB.

A Yes, sir. I told EUCOM that I needed -- I actually worked it through the 3 and the 4 channels. Say, tell them that we want USAFE --

Q I apologize. What's the 3 and the 4?

A I'm sorry, the operations and logistics channels. Thanks.

I want USAFE birds to move our guys -- move whatever is in Stuttgart that they need down to wherever those guys are going. So I said that early on. So they -- they whistled up USAFE, and that happened about the afternoon of the 12th. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So that's what they picked up at Stuttgart Army airfield on a C-130J out of USAFE.

Q Sir, were you aware of a FAST team located in Rota?

A Yes, I was aware of them.

Q Were you tracking their deployment at all?

A No, not really. I thought that -- I didn't really pay attention to that because that wasn't part of my problem set. I just knew that they were out there, somebody in the operating environment. And having dealt with those guys before, the first thing that happens is you've got to get an air crew out of -- out of Ramstein or out of Marone or some place. You've got to get -- you've got to do an inservice select for an airplane, and that usually causes a problem for the FAST.

Q Obviously, with the new normal there has been some modifications, and it's like you mentioned, having those aircraft on a string has --

A Right.

Q -- has posed challenges.

A Yes, sir.

Q Talk about what those challenges are.

A Oh, okay. So the initial -- the initial idea was to marry up the AFRICOM CIF. Well, first off, the AFRICOM CIF is a rotational force that comes out of Fort Carson, Colorado. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In this case, early on, first 6 months or so, they were stationed in Stuttgart, [REDACTED] [REDACTED] give them access to the ranges and all that kind of stuff.

USAFE moved C-130Js up to Stuttgart Army airfield and put, I think it was -- yeah, they put two C-130Js on the ground, and they put four crews in Bravo alert. So crew A, let's say, is in, you know -- two crews, or the A team, so to speak, are up for 12 hours in mission readiness, while crew B is on crew rest. And so they flip-flop like that for however long.

What happens is because those guys were static and on the ground for a couple of, you know, like months at a time or whatever, they started running out of proficiency. They got to fly a certain amount of hours to remain current and proficient in their required skills, like inflight refuel, you know, emergency air land, stuff like that. They have a set of skills that they have to maintain. All those skills degraded while they were doing that.

So they let them off the hook, and my guys went into that cycle, and our skills degraded. So in air side, it's kind of a ticking clock, you know, how you are going to do this.

The problem is you don't have enough pool -- or you don't have a large enough pool of air crew to draw from to keep up proficiency and alert. And run your normal missions in theater, flying people around EUCOM, flying them into Africa, because the USAFE C-130s were

[REDACTED]

██████████

flying African missions as well. So you just don't have enough people to go around. So that's on the air side.

On the Army side, the CIF side, ██████████
██████████ and they went up -- while they
were ██████████ ██████████
██████████ ██████████ It's
a -- it's not even a warm base, it's like a lukewarm base.

The ranges are owned by the Germans and controlled by the Germans, as is the ASP and -- ammunition supply point, and a bunch of other things. So you can only run the ranges from like 9:00 to 4:00, Monday through Thursday, and you can't do any night training, when our guys really operate. So they got huge issues there.

So what they've done is they've traded the air crew drop in proficiency -- now realize this is all post 11 September. You trade the air crew drop in proficiency for the Army's drop in proficiency.

In my opinion, when I asked these guys, why did you move them to
██████████
██████████ Well, it's closer, get them close to the
airfield.

I said you've improperly defined the problem. The problem isn't the airfield. The problem is readiness. Put the Army guys at
██████████ where they can remain ready, and you keep
the airframes there. You've got time to move the airframe over to
██████████ pick those guys up there, and fly them to wherever they
need to be because of the decisionmaking cycle and all this other kind

██████████

[REDACTED]

of business.

No, we don't want to do that because -- the excuse I was given at the time was, well, the expectation on the East Coast is we have to be up in the air in 2 hours, and we can't do that in Stuttgart because of proficiency, but we can do that from [REDACTED]

Well, what's the requirement to be up in the air in 2 hours? What's the decision? Where are you going? We've already lifted this one time. We already know how this happens, how this goes down. It's about 6 hours later before you get a destination. And we know that you're not going to go directly into a combat situation. So why do you need to be in the air in 2 hours?

So I tried to counsel these guys as the senior Army leader for SOf on why it's a bad idea to do it your way. Well, I wasn't an AFRICOM guy, it's none of my damn business. Okay. So anyway.

Q Was that an AFSOC decision?

A No, it's not an AFSOC decision.

Q AFRICOM decision?

A AFRICOM decision.

Q And do you recall when that decision was made, approximately? It was before you retired, obviously?

A Yes. So it was probably made in spring of 2012 to put Army guys [REDACTED] which I advocated strongly against, and I told U.S. SOCOM and everybody else it was a bad idea.

Mr. Kenny. I'm sorry, you said spring of 2012?

General Repass. I'm sorry, 2013. I did say 2012. 2013 is

[REDACTED]

correct.

BY MR. TOLAR;

Q Is it your understanding that they're still there?

A Yes, sir, they are.

Q Okay. Talk to me about what you know about AFSOC at the time of the attacks. Did they own any trigger pullers?

A AFSOC?

Q Yes, sir.

A Own trigger pullers?

Q Yes, sir.

A Yes. They owned AC-130 gunships, but they were either in Afghanistan or back in the States, and some of those came over and were based in Mildenhall.

Q But in terms of combat troops, they didn't -- did they own anything?

A The closest thing they have to a trigger puller is a special tactics squadron guy, which I owned at Mildenhall.

Q Okay.

A They were at Mildenhall on the evening of 11 September. They're not really -- they accompany combat troops. They're not ones that you have clearing buildings and stuff like that.

Q Okay. That's my point. We haven't talked to Admiral Losey, but basically AFSOC didn't really have anything, did they?

A AFSOC -- oh, you're talking about SOCAFRICA.

Q I'm sorry, yes, sir, SOCAF.

[REDACTED]

A SOCAFRICA. Okay. Okay. Okay.

Q I'm sorry. Excuse me. Excuse me.

A I'm sorry. Well, okay. I was thinking of Air Force Special Operations Command versus Special Operations Command Africa.

I think the only thing that Losey had was people that were doing -- building partner capacity on the continent.

Q J5 kind of operations.

[REDACTED]

[2:02 p.m.]

A They were doing, you know, tactical training and stuff like that, I would imagine. I have no idea what he had down there. I think -- I can't recall if Mali happened -- Mali happened before that. Didn't it or after? I can't recall when Mali went down. So I don't know what he had down there.

Q That's okay. [REDACTED] --

A Yes, sir.

Q -- did they deploy on your organic asset, air assets?

A Okay. [REDACTED] Okay. So they got to -- I don't know how they got to Croatia. I think they were line hauled down there on a -- on a truck, on a Lowboy truck to get there, just an admin logistics -- I would say an economic move, if you will, just to put them on a regular line haul to go down to Croatia.

So when it came time to marry up [REDACTED] with the CIF, what I did was I had -- because of what was going on, we had a plane out of Mildenhall, we got additional op support guys, maintenance guys, spare parts and a couple of other things, and they made a run from Mildenhall with that stuff and people onboard into Croatia to pick up [REDACTED] and more people at Zadar, and then went down to the ISB. So, yes, my guys [REDACTED]

Q And --

A I would also add, [REDACTED]

[REDACTED] The USAFE

guys aren't used to dealing with that. So because of the HAZMAT and load plans and all that stuff, my guys are used to loading it. The AFSOC guys know what to do with it, et cetera. It would have been a huge hassle to move that by USAFE.

Q To the best of your knowledge, [REDACTED] fit on a slick C-130, C-130J?

A Yes, sir.

Q It would fit?

A Yes, sir.

Q Okay. All right. I think for the first time here I'm getting confused about RSOMI. It sounds like to me, although the CIF are well-trained trigger pullers, for all intents and purposes, when it comes [REDACTED] Is that accurate?

A That's a true statement.

Q So really, when [REDACTED] activated, there is not a plan for the CIF to go in and do any kind of direct action mission?

A Okay. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A couple of examples. One, you get into a high-rise building, let's say the Rayburn building over here, which is a rather large building. You would rapidly consume operators trying to clear the rooms in there. So you want as many people that have [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] You want to have people that are capable of operating together doing that. So the size of the objective is the first thing.

The second thing is, if you are going into a friendly foreign country where you have the cooperation of the government, you would want the CIF, who has local knowledge and has probably worked with those local national forces, to be your interface for [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So, yeah, there are scenarios where they would operate together. But typically, for

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q But in the case of Benghazi --

A Right.

[REDACTED]

Q [REDACTED] there was really -- was there any planning or consideration of the CIF conducting a direct action mission outside of --

A No, sir.

Q [REDACTED]

A No, sir.

Q They were really only there to facilitate [REDACTED]

[REDACTED] Is that accurate?

A After 3:00 in the morning, that's a true statement. Up to 3:00 in the morning, we didn't know, and we had to prepare for an in extremis option. Okay. [REDACTED]

Q Perfect. Looking back on the events on that night, is there anything you would have done differently?

A I've never -- I've never considered that.

So for the things that I could influence, I -- I can't imagine doing things differently. As a matter of fact, at the end of things, the person that was sitting behind me in the JOC was somebody that had worked for me many times before. As a matter of fact, he had been a [REDACTED]

Q What was his billet in the JOC?

A In the JOC. He was the -- I had two deputy J3s, two deputy operations officers. So I had an operations officer, and he had two deputies. And so he was -- I mentioned [REDACTED] before. He was the guy that went forward. Deputy number one went forward. Deputy [REDACTED]

number two was the guy sitting behind me. And we've been through this scenario dozens and dozens of times together.

And it dawned on me at the end of this thing that we never opened up the op plan. Because we knew it so well, we didn't have to open the op plan. We knew automatically what the timelines were and what everything was -- how -- how we had to do everything. And I turned around to him, I said, "Mark, we never opened up the book on this thing." He said, "We didn't have to." He said, "This ran by the book. Everything ran by the book."

And it was -- I got to thinking, you know, I -- I didn't know at that time I was going to retire. I was told a month later, hey, Bud, you're like a brother; it's time for you to step off.

But, you know, I would say that that was probably the height right there of things that went well. Unfortunately, the outcome downrange was bad, but there was no way we could have prevented either the outcome of the initial one or the second one. I'm well satisfied with that. I live -- I live with that every day. I'm okay with that.

Q Yes, sir. How about things that you could not influence that perhaps should have been done differently?

A Oh, gosh. The ambassador should not have gone out there. I learned afterwards that he was told that he should not have gone out there.

Q What do you mean he was told?

A I was under the impression that he was told not to go out there.

Q Why do you say that?

A Just people that I've talked to after the event. So, supposedly -- , this is guys talking. This is not firsthand information. I didn't talk to a guy that said, "I told the ambassador not to go out there." I haven't talked to any of those people.

Q This is all hearsay?

A This is all hearsay. Okay?

So the hearsay is that there was known insecurity in Benghazi. The situation was -- was not very secure. But the ambassador, owing to his rapport with the Libyans, and he speaks Arabic, he is just one of the, you know, top-notch guys that he was, God rest his soul, said no, I'm going to go out there. I think I'll be able to make a difference out there.

And you know what, I -- I can understand his bravery in that situation. Because you know what, we should not let people that are -- I'm sorry I'm raising my voice here. We should not let terrorists dissuade us from what our Nation needs to do. And he didn't. He went out there. He paid a big price for it, the ultimate price, but he probably should not have gone. You know, so -- but that's not under my control.

Q Sure. Anything else not under your control that you felt like should have been done differently, could have been done differently?

A I don't know. Based on what I knew at the time?

Q Based on what you know now.

[REDACTED]

A Based on what I know now? I don't know. You know, the readiness of forces, you know, that are deployed forward, those guys are out there trying to make stuff happen. But it's -- the expectation is you hear it, do it. I can tell you the reality is that, you know, there's a lot of stuff that goes into that, and we're just not funded or manned at that level to have that level of readiness.

Q Even today?

A Even today. Even today. It's very difficult to maintain a -- you know, everybody ready to take off at [REDACTED] I just don't know how they do it.

Q Is there anybody -- having endured this line of questioning, is there anybody out there that you think it would behoove us to speak with in order to help get a better understanding of the events, the decisions, things of that nature?

A Well, you got Admiral Leidig. He has not spoken to you guys yet?

Q No, sir, not yet.

A Okay. He's the man. He's definitely the man. I think he's probably -- he probably is the pivot man for a lot of the decisions that were made. He would -- he would understand why -- I think he would understand why we went to the ISB instead of going into Benghazi.

Look, we were going to be late to the need anyway. And it would have been quite a dicey thing to go into Benghazi, because you'll want to kill people and break things. There is no doubt about it, you would have killed a lot of people there, some of whom would have been

[REDACTED]

██████████

Americans, in my opinion, more Americans. So probably a wise decision not to go in there.

So I -- I don't know. Admiral Leidig is the man. I trust his judgment. I really think highly of that man. So he was -- he was front and center.

Q Check. Okay. Anybody else you could think of?

A Have you talked to ██████████ -- I don't know who it was at the time.

Q Admiral Landholt?

A Uh-uh. That's the AFRICOM J3.

Q Excuse me, ██████████

A J3.

Q No, sir, we haven't.

A I don't know who it would have been.

Q Where would he have been? ██████████

A He probably would have been ██████████

Q Okay. Anybody else?

A Admiral Losey. Is he on -- yeah. I think -- he's testified before Congress, but I -- I don't know that he's spoken to you guys.

Q He has not. No, sir.

A That's all.

Q Okay.

A Look, I mean, I guess there's been some discussion about going down and talking to pilots. Those guys, they did what they were

██████████

told to do. You know, I mean, you are getting a soda straw view of the world there. You see? They weren't privy to the conversations that were going on, on the VTCs on the East Coast and so forth. So -- I mean, they knew their little piece of it.

Q What could those pilots tell me that you can't?

A I --

Q I mean --

A They can tell you I was asleep, or I was awake, or I was behind the stick, and that's it, man. That's my honest to God professional opinion on that.

Q Anything else that you think this committee -- you would like to share with us, you think we should be aware of? Anything at all?

A No, sir. I'm satisfied. You guys -- you guys have asked all the questions. I did a lot of preparation coming here. I had to go back and think through all the things. The open source timeline that I was provided that you guys have agreed upon that's the timeline, that -- that really spurred a lot of memories on that evening or that 24-hour period. That was exceedingly helpful. I don't know who else you -- anybody who comes in here ought to refer to that thing, because it is very informative.

Mr. Tolar. Let's go off the record for 1 minute.

[Discussion held off the record.]

Mr. Tolar. Let's go back on the record, please.

BY MS. CLARKE:

Q Sir, I just have one question. I think earlier in the last round, you made a statement -- and I might be paraphrasing it a little differently, but you indicated that you were told [REDACTED]

A Yeah. No -- at the time -- I knew this because coming out of the first Libya operation, there was concern about [REDACTED]

Q Right.

A So they had genuine airspace concerns. So bringing guys in there, I mean, that was -- I would say that was a bit of a sore issue. But given that the Italians were in with us on the Libya operation, you know, they -- they had to color along with us. I don't want to say shut up and color, but they had to color. Okay? They were in it -- we were in it together. Now we are coming in with the U.S. unilateral operation, and EUCOM, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Clarke. Thank you.

General Repass. Yes, ma'am.

Mr. Tolar. Sir, on behalf of Chairman Gowdy and the rest of the committee, I want to thank you for taking time out of your busy day to come share this with us. It was important. We did learn a lot, and we appreciate you doing it.

Thank you for your service, and thank your wife for putting up with your service, too. She sacrificed a lot too. We know that.

We're off the record.

[REDACTED]

Mr. Repass. Thank you.

[Whereupon, at 2:19 p.m., the interview was concluded]

EXHIBIT 1

This exhibit was not cleared for public release.

INTERVIEW OF GRS—TEAM LEAD

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 19, 2016

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

**INTERVIEW OF
ADMIRAL CHARLES JOSEPH LEIDIG, JR.**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 22, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

CHRIS DONESA, *Deputy Staff Director*

MAC TOLAR, *Senior Counsel*

SHERIA CLARKE, *Counsel*

PETER KENNY, *Minority Senior Counsel*

SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM A. HUDSON, JR., *Office of the General Counsel*

Mr. Tolar. All right. Good afternoon, sir. This is the transcribed interview of Admiral Charles Leidig, United States Navy, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, would the witness please state his full name for the record?

Admiral Leidig. Charles Joseph Leidig, Jr.

Mr. Tolar. Sir, the committee appreciates your appearance here at this interview today. Thank you for your time.

Admiral Leidig. You're welcome.

Mr. Tolar. Again, I'm Mac Tolar, and I'm with the committee's majority staff.

I would ask everyone else in the room to please introduce themselves at this time.

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Hudson. Bill Hudson from the Office of the Department of Defense's General Counsel.

Mr. Tolar. And we're getting ready to be joined by Phil Kiko and Chris Donesa of the majority staff.

Sir, as you can see, an official reporter is taking down everything we say. In order to make a written record, accordingly, I would ask you to provide verbal responses, such as "yes" or "no,"

as opposed to nodding your head.

Also, I'm going to ask the reporter to please feel free to jump in at any time to keep us in line.

Please understand that, although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this, sir?

Admiral Leidig. Yes.

Mr. Tolar. Is there any reason why you're unable to provide truthful answers to today's questions?

Admiral Leidig. No.

Mr. Tolar. Thank you. That's all I have for a preamble.

Shannon, do you have anything?

Ms. Green. Admiral, we just appreciate you being here today. And we know that you already testified about the attacks in Benghazi on, I believe, March 20th, 2014, before the Joint Session of the House Armed Services Committee with the Oversight Committee.

Admiral Leidig. Yes.

Ms. Green. It's our understanding you would have a chance to review that testimony prior to appearing today, and we just wanted to make sure you had that opportunity.

Admiral Leidig. I've reviewed my testimony, yes.

Ms. Green. We have also --

Admiral Leidig. Just the redacted version.

Ms. Green. Yes, sir. But we have also had the opportunity to

review your testimony, and you covered a lot of ground in 2014. We will try not to rehash those topics today. And, again, we just thank you for appearing.

Admiral Leidig. You're welcome.

Mr. Tolar. All right, sir. It's 1:04.

Let's start the clock on the majority side, please.

EXAMINATION

BY MR. TOLAR:

Q You just talked about you testified previously. Sir, do you know what the Accountability Review Board is?

A Yes.

Q Do you know what their mission was?

Ms. Green. Mac, what classification are we in today?

Mr. Tolar. I believe it's going to be up to S --

Mr. Hudson. Just TS.

Mr. Tolar. Okay.

Mr. Hudson. TS/ACCM.

BY MR. TOLAR:

Q Do you know what the mission of the Accountability Review Board was?

A It was to review the events surrounding the death of the Ambassador in Benghazi, and it was jointly conducted by Department of Defense and Department of State.

Q Were you interviewed by the ARB?

A No, sir.

Q As we go through here today, sir, occasionally I'll refer to "you may have said" or "you referenced" or words to that effect, and what I'm referring to is your previous testimony, if that's okay.

A Okay. I understand.

Q You previously indicated that the guidance from AFRICOM was that the ARB would constitute AFRICOM's after-action review. Is that accurate?

A Yes.

Q Whose decision was it that that -- that the ARB would constitute the AFRICOM's after-action review?

A General Ham.

Q Thank you. Did AFRICOM suggest and/or veto which AFRICOM personnel the ARB would interview?

A No.

Q Were you surprised, given the ARB's mission, coupled with the fact that the ARB would in fact be AFRICOM's after-action review, that they would not interview the person, yourself, who basically was responsible for directing the DOD response to the attacks on Benghazi?

A So let's be specific. I was not directing DOD's response. I was the -- you know, the Deputy Commander of U.S. Africa Command in our command center and --

Q I apologize. Yes, sir.

A Okay.

Q Let me rephrase that.

A Okay.

Q But given all of that, I mean, the point is, with all intents and purposes with regard to the AFRICOM response, you were basically leading that, because you were on the spot in the COC and the Commander was at the Pentagon, but regardless, were you surprised that the ARB would not question you or want to speak with you?

A Yes.

Q Why were you surprised?

A Because I thought I played a -- fulfilled a central role in the operations surrounding that event. I thought that they would be interested in my perspective.

Q Did you ever take the -- or offer to the ARB to make yourself available?

A I never spoke to anyone from the ARB.

Q Are you aware if the ARB ever requested or sought your opinion?

A I'm not aware.

Q Thank you. Did you read -- happen to read the ARB?

A I read -- I'm certain I read the executive summary. I'm not sure if I read the entire report.

Q Do you recall having an opinion about what you read?

A I thought it was an accurate assessment.

Q You did think it was accurate?

A Yes.

Q Okay. Is there anything about it that you felt was not accurate or maybe -- was not accurate?

A No.

Q Okay. At this time, sir, I would like for you to walk me through your billets as a flag officer, please.

A My first assignment in 2005 was the commander of Naval Forces Marianas. I was also in that same job -- as in many flag officer jobs, I had multiple -- I wore multiple hats -- I was also the U.S. defense representative for the countries of the Republic of Palau, the Federated States of Micronesia, the Commonwealth of Northern Marianas, and the Territory of Guam. And then I was also the commander of Naval Region Marianas.

My second flag assignment 2007, I had four -- I wore four hats. I was the deputy commander of 6th Fleet. I was the director of operations in intelligence for Naval Forces Europe; I was the commander of Allied Submarine Forces South, which was the NATO submarine command. And I was the commander of U.S. Submarine Group 8.

In 2009, I was assigned to the Joint Staff. I was the chief of staff for the J5 at that time, who was Admiral Winnefeld. And then, in 2010, I was assigned as the Deputy Commander for Military Operations at U.S. Africa Command, and I served there until July 2013.

Q And you retired in 2013, sir?

A Yes.

Q Talk to me briefly about the chain, about your chain of command, or AFRICOM's chain of command, please, in terms of up the food chain.

A Well, U.S. Africa Command is -- you have to go back to

command reports. My four-star boss, General Ham, at the time of the Benghazi incident reported directly to the Secretary of Defense. The lowest in the chain of command, we had service component commands. So there was Naval Forces Europe, U.S. Air Forces Africa, and U.S. Army Africa were our component commands. We also had a Marine component command, U.S. Marine Corps Africa. They had a small contingent in Stuttgart, but their headquarters for their general officer was back on the east coast.

Q In terms of the Air Force Africa component, was that -- was that a dual hat shared by, like, USAFE?

A The U.S. Air Force's Africa Command was the 17th Air Force, so it was independent of USAFE, but they were co-located and worked very closely together, but USAFE was not in the AFRICOM chain of command. We had our own separate Air Force service component command.

Q Did the Air Force component command own any assets, any iron?

A They could. They could have forces assigned to them, but not very many usually.

Q Nothing organic?

A Oh, they could have organic forces assigned to them, but they wouldn't be forces that were in Europe. They -- some of the forces that were in Africa, like at Djibouti, were assigned to the 17th Air Force, or they could have forces chopped to them for operations or exercises or whatnot on the continent.

Q But, as a general rule, the 17th Air Force, did they possess

any of their own organic assets as opposed to things being chopped to them for operations or things of that nature? Like, for example, did the USAFE have the 86th Air Wing that had iron? Did the 17th Air Wing really have any airplanes? I don't know. I mean, I'm just curious.

A So the answer to the question is yes. It depends. So if we had UAVs flying in Africa, which we did, those were assigned to the 17th Air Force. So they --

Q Okay.

A So they owned assets. So they had some limited number of assets. They would normally be forces that had been chopped to them and were operating in Africa.

Q Yes, sir. So what I want to do now is kind of talk about what kind of assets AFRICOM owned.

A Okay.

Q If you would, start please with, like, ISR assets. Did AFRICOM own any organic ISR assets?

A Okay. So let's -- are we talking on September 11th, 2012?

Q No, sir. Just in general -- well, no. Yes. I want to talk about September 11th, yes.

A We had quite a bit of forces assigned to us in Djibouti. And so I'll be honest: I don't have the laydown, nor do I recall exactly, but there would be some number of aircraft in Djibouti. They could be everything from --

Q Just talking ISR at this time, please.

A Yes, talking ISR. There could be Predators or Reapers,

there could have been small Air Force ISR aircraft. There could have been P3s. (REDACTED) We had --

Q (REDACTED)

A (REDACTED)

Q Thank you.

A We also had in -- and so we -- and then we also had forces that would have belonged to Special Operations Command that were under our operational command. (REDACTED)

And on this particular day, 9/11/2012, we did have a Predator (REDACTED) that happened to be over Derna, which is nearby Benghazi, the day of this event.

Q We'll come back to that, please, sir.

Talk about any rotary wing assets that AFRICOM had on that day.

A There would have been some helicopters in Djibouti, again.

Q Okay.

A Some of those were there as part of a -- because the forces in Djibouti, the air assets there conducted missions both in AFRICOM and the CENTCOM AOR. (REDACTED) We had some basically CSAR capability with helicopters at the time. I would think they probably would have been U.S. Marine Corps assets. So we would have had some helicopters there.

Q CSAR, C-S-A-R?

A Combat Search and Rescue, yes.

Q Thank you.

A I don't -- I can't think of any other rotary wing assets

that we would have had.

Q Fixed-wing assets?

A Right. So I have to -- I'm trying to remember the timeline. We did reach a point where we had F-15s in Djibouti. I honestly don't remember if it was before or after this, but I think probably before this, we may have had some there. There had been times, not on 9/11, but prior to this that -- well, no. Those were CENTCOM assets. So the only other fixed-wing assets would have been F-15s in Djibouti.

Q And all of these assets you just talked about, for all intents and purposes, were in Djibouti, it sounds like. Correct?

A For the most part, yes.

Q Did AFRICOM have any civilian aircraft under contract or on standby or whatnot?

A Right. In Germany, we had some civilian contracted aircraft that we used to take people to and from the continent. They were G-3s.

Q What's a G-3?

A Small Learjet.

Q How many PAX, personnel, could a G-3 carry?

A Six, seven.

Q Okay. And, typically, how many of those did you have?

A Our contract was for three, I believe, at the time. That contract varied. So, again, you know, I can't tell you exactly where we were in the contract on this particular date, but it would have either been two or three.

Q Okay. In terms of personnel, did AFRICOM possess any trigger pullers, any folks that could do direct-action crisis response, anything like that at all?

A Well, U.S. Army Africa was assigned to us down in northern Italy. Those were surely, you know, infantry and airborne troops that were assigned to us.

Q Yes, sir. At Vicenza?

A Yes.

Q Anything else?

A In Djibouti, there was usually, like, an Army battalion minus, but they were primarily there for the security and defense of the base at Djibouti. We often had some Special Forces assigned to us. I think the number we used to talk about is that, on any given day, there would be 100 Special Forces on the continent of Africa that were assigned to AFRICOM, but they were in small numbers and usually primarily focused on training, but given preparation for a potential operation or something like that, we may have some assigned to us.

Q Okay.

A But -- and then the FAST platoon, the FAST company in Rota was assigned to EUCOM, but just like the CIF of EUCOM, we had sharing agreements where those could be chopped to us from EUCOM if needed.

Q Anything else?

A Not that I can think of.

Q In terms of the Special Forces personnel, did AFRICOM typically track their operations and movements via your JOC, or your

Joint Operations Center?

A Which Special Forces are you referring to?

Q Any that might be operating in your AOR. I mean --

A Any that was operating in our AOR, we would know where they were at in our operations center, yes.

Q At the time of the attacks, you had never been to Libya. Correct?

A That's correct.

Q Do you recall when General Ham accompanied the Secretary of Defense to Libya in December of 2011?

A Yes.

Q Subsequent to that visit, did the general share any impressions of Libya with you, based on his trip, particularly Tripoli?

A Well, let me try to answer it this way: I don't recall having a specific conversation about that trip with the Secretary and what his impressions were.

Q No. General Ham.

A No.

Q I'm sorry.

A So I don't have any --so, yeah, I'll say it again.

I don't have any recollection of having a specific discussion with General Ham about his impressions of Libya from that trip, but I knew he went on the trip.

Q Okay.

A General Ham and I frequently talked about Libya since we

led the combat operations there during the initial air war there, so we had frequent conversations, but I don't recall talking about his trip with the Secretary.

Q Well, then please talk to me about the nature of those discussions, your thoughts about Tripoli at first, if you would just kind of talk about your impressions of Tripoli and what you all discussed, and then let's switch over to eastern Libya.

A Okay.

Q So start with Tripoli first, please, and what your impression was and what you discussed with the general.

A So my impressions of Tripoli and those that I would have shared and talked with General Ham about are related to Tripoli post-Qadhafi -- okay -- if we can start there.

Tripoli was largely a city that was run by local militias. The government had no control of the city or really any of the levers of the government. They tried to -- they had some version of a parliament, but this is a country that never had any government before. And so most of the Libyan government was focused on establishing a parliament and establishing, you know, the administrative functions of a government.

The city and the neighborhoods and the airports were all controlled by local militias. Those militias all had different political agendas, and they were all aligned separately. I recall there were at least 30 militias that had a presence in Tripoli in that post-Qadhafi up to September 11th regime -- or September 11th event.

And so it was very unstable, lots of checkpoints, not easy to get around in, and was a largely insecure environment.

Q And was this true up until the attacks in Benghazi? Is that your same impression?

A Well, I think, as we worked our way closer to the events at Benghazi, it was becoming more and more secure. The government appeared to be getting its feet on the ground, and I know, prior to September 11th, 2012, the Ambassador had got to the point where he didn't think he needed military providing security at the Embassy any longer, and so he notified us and State Department that he would be contracting local security to take over security at the Embassy in Tripoli. So, from his perspective and from our perspective, we had made progress, but it's clear that it was still an unstable environment.

Q Would you deem it a nonpermissive environment, a hostile environment?

A I -- you know, those are military terms when we're thinking about like a noncombatant evacuation. I don't think either of those terms would have applied.

Q Do you think it would have been a permissive environment?

A For -- if we were to conduct, like, a noncombatant, yeah, I think it would have been a permissive environment.

Q Now, how about eastern Libya?

A So the history on eastern Libya is much more complex, in my view. When the revolution, if you want to call it that, in Libya

began, we tracked, through intelligence, that many of the former fighters that had been part of LIFG that had left to go fight in Iraq and Afghanistan were now coming back to be part of the fight. Many of the senior members in Al Qaeda had Libyan roots, and they saw this as an opportunity. So as we saw not only militias standing up, we also saw them start to be infiltrated by fighters that were coming back with extensive experience in the Al Qaeda organization. And then, particularly, in the Derna, Benghazi, area. Derna was essentially known as a black turban area. Benghazi was heavily infiltrated by elements of Al Qaeda.

Because they were able to essentially win the civil war that ended up happening in Libya, most of those fighters that came back were welcomed into the militias, and so they were seen as brothers and now were deeply embedded in -- by the time we got to September 11th, 2012, that's the reason we were flying a Predator over Derna, because we were now trying to collect intelligence on these organizations and understand what their intents and capabilities might be.

Q And describe what you mean by a black turban area.

A That if you went into the neighborhoods, you would see quite a number of men with black headdress, with beards, and which you would normally identify as a black Al Qaeda flag. You would see that proudly and openly displayed in places in Derna. In Benghazi, not as openly, but we had enough intelligence to know that they were there. And we did see some elements of some of the militias in their compounds flying Al Qaeda-like flags.

Q You previously indicated that, at the time of the attacks, you were not aware of the Benghazi -- the U.S. State Department facility in Benghazi. Is that correct?

A That's correct.

Q Do you know if, at the time, your staff was aware of the State Department facility in Benghazi?

A I don't know of anyone on my staff who knew that it was there.

Q Did you ask?

A Yes.

Q At the time of the attacks, you indicated you were not aware of the Annex facility in Benghazi. Is that correct?

A That's correct.

Q At the time, did anyone on your staff know of the Annex?

A Not that I'm aware of.

Q How do know that? Did you ask?

A Yeah. In that -- in the command center that night, I asked. And I spoke not only to our CI liaison, but everyone senior on my staff. There was no one who knew they had a facility there.

Q So, just to be clear, on the night of the attacks --

A Yeah.

Q -- no one in the AFRICOM COC had any knowledge of either the State Department facility or the Annex in Benghazi?

A That's correct.

Q Thank you. I want to talk for a couple minutes, sir, about the Embassy in Tripoli and the reestablishment thereof.

A Okay.

Q Were you involved in the discussions when they were getting ready to stand up the Embassy, from a DOD perspective?

A Yes.

Q Okay. Did someone from State Department at some point reach out to DOD about what DOD could do to support the reestablishment of that facility, or were you privy to those conversations?

A So could you restate the question --

Q Sure.

A -- because I think -- you -- could you just restate? I want to see -- you said somebody asked somebody, and I want to just make sure I understand.

Q Did State Department reach out to DOD slash AFRICOM about DOD providing personnel in support of the reestablishment of the Embassy in Tripoli in 2011?

A Yes.

Q Were you privy to those conversations?

A Between State Department and DOD?

Q Correct.

A I don't think I was in a conversation where somebody from State Department and DOD and me were in the conversation, but I became aware that there had been a request for U.S. military to provide -- for DOD to provide some U.S. military personnel to provide security for the initial startup of the Embassy.

Q What was the nature of that request that you recall?

A I don't recall. I don't know if -- I don't know.

Q What kind of discussion did AFRICOM have about who might be best poised to provide that support in terms of DOD personnel?

A I don't recall.

Q Was there ever a discussion about whether or not an SST -- Define what an SST is first.

A I don't even remember what the acronym stands for. It was a very small --

Q A Site Security Team?

A Right. And so it was a very small team. It's not a common acronym in the military.

Q Okay.

A I think it's one that we came up with for this specific mission set, and it was to provide a small number of military personnel to basically provide security for the Embassy.

Q Were those personnel cherry-picked for their billets or their training skill sets?

A Not that I'm aware of.

Q Was there a discussion about a FAST platoon coming in vice an SST?

A No. Not that I'm -- again, not that I'm aware of. Your questions sort of indicate that there was a lot of detailed discussion and planning for this, and in my perspective at my level, I was simply made of a -- there was a request, there was a proposal that there would be this number of personnel with this capability, and we put the plan

together, and we executed it. I don't recall that there was a lot of in-depth discussion about who that group would be.

Q Did AFRICOM have a preference as to who those people would be?

A Who --

Q Who --

A Who in what kind of terms? What service?

Q Yes, sir.

A What capability?

Q Yes, sir.

A I don't remember -- I don't recall having a discussion of -- again, on any kind of detail about who they were or where they would come from.

Q You previously mentioned today that you -- it was your impression that the Ambassador felt the situation was improving and no longer needed the SST. When the State Department elected not to extend the SST, did you have any concerns?

A No.

Q Did General Ham express any concerns to you about -- did General Ham have any concerns about that fact, and did he express them to you?

A No.

Q In your previous testimony, you indicated that the Ambassador planned to hire his own security vice extending the SST. On August 4th, once the SST was no longer under -- when it reverted

back to title 10, had the Embassy, in fact, employed personnel -- private security to replace the SST?

A Yes.

Q They had?

A As far as I know. I --

Q Do you know that for a fact, sir?

A No. I can't tell you definitively that I could say here's who the State Department hired and that they were in place, but I find it hard to believe, though, that we would -- the mission would be terminated and it hadn't been done, but that's a State Department responsibility. That's not a DOD responsibility.

Q Sure. Why do you find that hard to believe?

A I don't know. The Ambassador told us that he would get his own security and that the mission could be terminated on 4 August, so the mission was terminated on 4 August, and they were chopped back to DOD control. I worry about DOD assets. I don't -- as the deputy commander of the combatant command, I don't worry about embassy security. I mean, I don't provide it, and I don't track it. So I don't know what the Ambassador did specifically. He told us he was going to do it.

Q Sure. If that embassy, in fact, had not provided security to replace the SST, would that give you pause or concern about security concerns related to that embassy?

A It's a hypothetical. In my world, the Ambassador got security for his Embassy, and the mission was terminated. I -- to

answer that question is just purely hypothetical. I --

Q Well, on August 4th of --

A Or I guess I need -- I guess I need to ask. Are you telling me the Ambassador had no security?

Q I don't know that answer. It not clear.

A Okay. Then it's a complete hypothetical.

Q It is. Yes, sir. It is.

A Okay. So --

Q But based on your experience in the military and what your knowledge of Tripoli was --

A You should ask State Department how they would feel in that hypothetical. That's not a hypothetical for the Deputy Commander of U.S. Africa Command to answer.

Q Once the SST was no longer under chief of mission authority, other than title 10 authority, is there any other authority that would allow DOD personnel to remain in Libya?

A You'll have to restate that again.

Q Okay.

A I'm trying to follow you.

Q That's okay. So the SST was under chief of mission authority, and it reverted back to title 10 authority on August 4th.

A Correct.

Q My question for you is, are you aware of any other authority that existed outside of those two that would allow DOD personnel to remain in country?

A Again, I don't understand the question. They were under title 10 authority after August 4th, and I -- are you -- that's the authority that we use to command troops. So I don't know what other authority you would be referring to.

Q Well, that's -- I don't -- I'm asking you if there's anything else out there that exists. I don't know of anything. I just thought maybe you do. I don't know.

A No. I don't.

Q Okay. Thank you.

A Not for U.S. Africa Command.

Q Yes, sir. You previously indicated that typically DOD AFRICOM has an evacuation plan for all embassies in place. Is that accurate?

A Yes.

Q Talk about what the gist of a plan like that might be for Embassy Tripoli.

A Okay. So the way noncombatant evacuations would work for an embassy is the -- the first responsibility is State Department's, and they are to provide for their own security and their own evacuation, even if that includes contracted buses, contracted air, contracted shipping and other things.

When and if they are not capable of conducting evacuation, then they would come to the Department of Defense to ask us to assist in the evacuation of employees or U.S. citizens.

A plan like Tripoli would essentially begin with an assessment

of the number of folk that -- the personnel that are assigned to the Embassy. We would be interested in where they lived and how they might be spread. We would be deeply interested in what the Embassy's plan are, and we would put people down in the Embassy to do the planning with them about -- what the Embassy's plan was is to -- when they would call for people to come in, they would have certain points to go to. There would be points assigned where Department of Defense would come and meet up with those people and begin the evacuation. It includes assessments of airfields and what kind of aircraft can get into nearby airfields. It would include assessments of seaports, about where we could bring in ships. It would include assessments of roads. And then we would look at all the best options to -- that we would put together to be able to evacuate the Embassy, but it's highly dependent on numbers, dispersions of people, and, of course, what the local security environment would be and what the threats are, what the intelligence are. And put that all together in a package, and then we would make a proposal to the Ambassador about if DOD was asked and the State Department was unable to execute their own responsibilities to evacuate their personnel, here are the options that were available to the Ambassador, and here's the ones that we would recommend.

Q Do you know if AFRICOM, in fact, had done that for Libya?

A For --

Q For Tripoli?

A Yes.

Q And I assume that also makes assumptions about Libya's own

mobility or self-defense capabilities.

A Again, I'm not sure. When you say "their" -- Libya, the Libyan military, the Libyan country?

Q I'm sorry. The Libyan -- excuse me. The Tripoli Embassy. I assume that makes assumptions about their own capabilities, mobility, et cetera, in terms of --

A Yes. That's correct.

Q Right.

A That's what I indicated. The first responsibility belongs to the State Department to conduct their own evacuation.

Q Do you recall any specific gaps in capabilities that had to be addressed between DOD, AFRICOM, and Tripoli Embassy?

A Again, you were asking about State Department's capabilities and then you're -- then you're asking about gaps. So, again, I'm just really trying to understand the question.

Q Yes, sir.

A Is it -- are you saying there were deficiencies assigned by -- maybe identified by State Department that they couldn't do and --

Q Potentially, yes, sir. I'm trying to look for thing -- for gaps or capabilities that State Department didn't possess at the time that might have required you all to amend your ability to evacuate them, et cetera.

A At the time of September 11th, you know, the Ambassador had shifted to his own security of his Embassy. He had his own vehicles. He had his own staff and had -- with people moving in and out of the

country, clearly, was able to move between the roads and the airport and others.

So at the time -- you know, noncombatant evacuations usually end up being part of a crisis. So, you know, absent a crisis, the Ambassador had plenty of access to air and roads and vehicles and other things to move around. So at the time, you know, absent a specific crisis, I think the Ambassador had plenty of assets available to move people in and out of the country. That's not to say if there was a crisis, that now those capabilities might not be able to function, and an environment could be much more chaotic or something, but --

Q Yes, sir.

A I didn't have any specific concerns about the Embassy at that point.

Q Okay. Talk to me now, sir, briefly about the status of forces agreement, kind of what that is and why they're important.

A Well, those are agreements negotiated between countries that basically provide a protected status for U.S. military in country. In our AOR, actually, we had very few SOFAs with countries. They're hard to negotiate. Many countries see them in a negative light and aren't willing to negotiate SOFAs with the United States. So, in those cases, if we had military personnel in the country -- first of all, our normal policy was if we didn't have a SOFA, we didn't normally put people into that country, but sometimes we were able to do that. In those cases, General Ham has to approve a waiver. Any time U.S. military forces went to a country where there was no SOFA, he would

have to personally approve their deployment, including training and other events.

If we didn't have a SOFA, then we usually tried to have a diplomatic note. It was arranged between State Department and the country, that would provide some sort of, you know, protection for military personnel. And then, in some cases, there wasn't even a diplomatic note, and we generally didn't go to those countries in those cases.

And there was no SOFA in place in Libya. The Ambassador wasn't able to -- the government was still formative, and he wasn't able to negotiate one.

Q How many countries were in the AFRICOM AOR?

A Fifty-four at that time.

Q Approximately how many of those countries had neither a SOFA or an MOU or diplomatic notes in place?

A I probably can say that probably about a third had SOFAs. The others, I can't tell you what -- by number how many had diplomatic notes and how many didn't, but the other two-thirds were somewhere in that status where they either had a diplomatic note or there was no protections.

Q Any time SOCOM, Special Operations Command, wanted to conduct any kind of operation in your AOR, and there was no SOFA in place, all those had to be approved by General Ham --

A Yes.

Q -- a waiver granted?

A Were they all granted?

Q No, no. That's what I'm saying. Anybody -- any operation in AFRICOM's AOR --

A Any -- yeah. Any military forces that came to the African Continent, and if there was no SOFA, General Ham would be asked to approve a waiver before they could come into the country.

Q Is there ever a reason why DOD personnel would be operating in AFRICOM's AOR without a waiver, a diplomatic note, or a SOFA?

A So we put these into three categories: SOFA, diplomatic note, no protections. And so your question is they should have had either a SOFA or a waiver approved by General Ham. They should -- there should either be a SOFA or a waiver approved by General Ham.

Q But is there ever an incident, or is there an example of when they would have nothing, including a waiver?

A Not that I'm aware of.

Q Okay. And does the Ambassador have the authority to tell DOD, "You may not operate in my country without my permission"?

A The Ambassador is the ultimate representative of the country, and if he said that we couldn't operate in his country, we would not operate in his country, but if there was an imperative to do such, there would be a discussion that would be elevated back to Department of State and Department of DOD to adjudicate.

Q Yes, sir.

A But we wouldn't operate against the Ambassador's will.

Q (REDACTED) Do you recall that?

A Yes.

Q Can you talk a little bit about that issue, what the bone of contention was and how it was resolved, et cetera?

A (REDACTED)

Q And was there a moratorium or suspension in place on 9/11?

A Well, we had a Predator flying over Derna.

Q Over Derna, but not over Benghazi. Or did it -- was there --

A We had went through different discussions about Benghazi and how close you could get with some rings around it. It depended on whether it was a Predator or a Reaper or whether it was a P3.

(REDACTED)

Q And just for the record, talk about a Predator, what altitude it flies at and whether or not you can literally see it from the ground.

A (REDACTED)

Q Sir, now I want to turn to September 10th of 2012. Kind of walk me through September 10th, day before 9/11, what's going on, are you discussing the anniversary of 9/11, things of that nature.

A Well, surely, every 9/11 -- you know, I was in the Pentagon on 9/11 in the command center, so I -- you know, everybody in the military is aware of 9/11's anniversary. And we had done a very in-depth review of all the intelligence in the days leading up to that. I think that's fairly common in most military organizations. General Ham had directed specifically a deep dive. We did that in command,

found absolutely no intelligence that would indicate there was any plans or any indications, not even increased chatter of any kind that would indicate there was anything in planning on 9/11.

That day, as everyone well knows, there were protests and events in Cairo. We followed those closely. I stayed at work longer that day to see if those would spill over somehow into our AOR. Egypt is not in our AOR, but it's in the -- still in the Maghreb in North Africa. And we stayed and watched to see if anything would happen. When the sun went down, things appeared to be calm in our AOR, and I went home about 1900 that night. So we were in tune with what was going on in Cairo, but there didn't seem to be anything in our AOR.

Q And on September 10th, General Ham, was he in the States already?

A He was in Washington, D.C.

Q Okay. And talk briefly about when General Ham is not in the AOR, how does responsibility pass to you, or how does that work in terms of command?

A He's still in command. The responsibility's not passed to me. I'm still the Deputy Commander, and he's the Commander. He carries a communications team with him. He's in -- maintains 24/7 communications, and so he was still in command.

Q Was the nature of the your relationship such, though, that you could make decisions and inform him later?

A Right. Based on my -- you know, my experience and my relationship with General Ham, he and I had now served together for -- I

guess he got there in the beginning of 2011, so, yeah, we had served together about a year and a half at this point. We had fought the war in Libya together. So I had a very good understanding of what we refer to as commander's intent. As long as I'm operating within commander's intent, and particularly in an emergency or an incident, I clearly had his authority to continue to make decisions and act and notify him. I know where there are certain lines where I absolutely have to get his permission before I would proceed, and I would do that. And so on this night, I was acting as if General Ham was sitting right next to me, making the decisions that I thought he would and then keeping him informed. And through the evening, I -- there was never any moment where I did anything that would have been contrary to his intent.

Q So let's turn to September 11th now, kind of walk me through. It was a normal day, for all intents and purposes?

A Yep. Except for the events in Cairo, it was -- there was nothing out of the ordinary. I went home at 1900. I -- like I said in my testimony previously, I go to bed early. I was in bed by 2030 that night. And I was awoken at 2215 by the command center, and I was informed that there had been a protest. I was -- at the time, it was referred to as a consulate, it later turns out that the State Department doesn't like that terminology, but there was a protest at the consulate. They had gotten in through the outer perimeter, but the Ambassador was in a safe room with his communicator, and he was fine. And that was the initial report, I think.

Q If you will, sir, kind of walk me through your actions from

the time you got the call up until midnight --

A Okay.

Q -- kind of what you did, who you were reaching out to, et cetera.

A Okay. So my quarters are -- were on the base where the command center is located. (REDACTED)

So when I got this report at 2215, I decided since I was awake, I would go down to the basement and I would begin to look to see if there was any secure emails about what was going on; I would check news feeds and just see what other information was out there.

And when I got down to the basement, my J3, who also lives on the base, the operations officer for U.S. Africa Command, I saw that he was sending email.

Q Who was your J3, please?

A Admiral Landolt.

Q Thank you.

A And so I called him on my secure VTC and I asked him what he knew, and he had received the same report I did from the command center. I was a little apprehensive about this, because it was out of the ordinary, and so I told my J3 that I was going to call my personal staff. So I have an Army colonel, Marine Corps major, and a Navy senior enlisted. And I told the command center to call my team, tell them to meet me in my office, and I had better communications there, and that we would follow up on this incident.

So I went back upstairs, put my uniform on, and I walked over to

the command center. So I was probably in the command center by about 2300, so about 45 minutes later. I'm pretty certain that's about the time I'm there. And my colonel lived on base, and the other folks lived nearby, and they arrived short three thereafter.

Once I got there, the next report I recall receiving once I got back to my office was that no one had had communications with the Ambassador. So although the initial report said he was in the safe room with his communicator and were safe, now the report was is that there was no communications with the Ambassador; nobody had been able to get in touch with him.

And, again, what I'd like to make clear is, you know, when I look back at the actual timeline of events that night, most of these reports are now about an hour late. So, you know --

Q What do you mean by that?

A Well, you know, at 2215, when I get the report, the actual event began at 2130. So, you know, it's already 45 minutes late before I even get the first report. And that's how most of the information flows that night, because the information is not flowing directly from Benghazi to my command center. It's flowing from Benghazi to somebody back at State -- to the Embassy and back to the State Department, and then State Department into the National Command Center, and then it's shared with my command center. I don't have any direct communications with anybody at the Embassy at that point -- I mean, nobody in Benghazi, and so I'm not getting any direct reports, and they're all time late.

Q And I don't want to jump ahead yet --

A Right.

Q -- but just to say, at any time that night or the following morning, did you ever start receiving realtime information?

A When the two special operators flew from Tripoli to Benghazi and arrived in the middle of the night somewhere between, I think it was between 2 and 3 o'clock at night, that was the first time that I started to get any kind of reports directly from Benghazi.

Q Let's go back to where you were before, please. Thank you.

A Okay. So when I got the report that no one had had any communication from the Ambassador and they weren't able to reach him in any way, I made the decision to activate the AFRICOM command center and bring in at the time what we called the Focal Point Operations Center (REDACTED) and I directed the -- our command center to do a general recall for the entire staff. And then I immediately went over to our operations center to start leading the operations there. Again, I have access to much more information, and I have a whole -- the whole major -- it was a room, just to put it in perspective, maybe twice as long as this, but now all my senior staff and all their supporting staff can be there in one room, and so we went over to there.

Probably -- after I got to the command center, the next thing I began to understand is I'm -- we were getting reports again through this circuitous route -- and so this is coming to me out of the command center and the Pentagon -- is that the State Department personnel that were at the temporary mission facility had now been moved to another location. I had no idea what that was. I didn't know what they were

referring to, and at the time, it was just being referred to as a nearby location, but the Ambassador and his communicator were missing. They were unaccounted for.

Then the burning question was where's the Ambassador, and how do we find him? And so we really spent the next several hours, really from about midnight till all the way up until 5 o'clock in the morning, our focus was on the Ambassador. And throughout the evening, there had been several -- not several -- some reports, probably a couple of -- and even in the open press, there had been a report of a Caucasian seen in a hospital in Benghazi, and so many started to believe that perhaps that was the Ambassador, that he had been taken to a local hospital. And we were trying to figure out how we could confirm that or not.

And so when the two Special Forces around midnight make contact through my command center -- again, I had a Special Forces officer at my command table on a computer, and he was receiving reports -- I was receiving a report from the defense attache in Tripoli -- and that these two Special Forces had found a way to contract an aircraft and, with their personal weapons, had been given authority to fly from Tripoli to Benghazi with the intent is that they would get on the ground in Benghazi, they'd find a way to get a vehicle, and that they would drive into Benghazi to this hospital and see if they could confirm if that was our ambassador or not. That was our focus. We were trying to find the Ambassador.

Q (REDACTED)

A (REDACTED)

Q Okay.

A He's sitting in front of a computer terminal. They're very good about sharing everything, and so I refer to it as chat. He was basically in a chat room where they're sharing information, and he's continuously feeding me, "this is what I'm hearing," "this is what" -- and so that's how I'm getting information (REDACTED) I also have a separate line that I'm periodically talking to Admiral Losey to get my own Special Operations commander's advice.

Q And then you also mentioned you were receiving information from the DAT, (REDACTED)

A Yes. That's his name, yeah.

Q And what was your primary means of receiving information that night? Was there one that you were relying on more than others?

A For the entire event?

Q Yes, sir.

A I think most of the information was coming through the command center and the Pentagon, so the --

Q Okay.

A -- you know, the National Command Center, but I had all -- my J5, the general officer, was on the phone with the Embassy a lot that night.

Q Who was your J5?

A His name was General Hooper. And through most of the evening, he was on a line. The defense attache would be on that line

periodically. Sometimes the defense attache would just call in on his cell phone, but through a big part of the evening, General Hooper was talking to someone, usually from the Embassy, on the other end of that line.

Q You believe that was the defense attache?

A No.

Q Okay.

A Most of the night, it was not.

Q Okay.

A What I -- I'll just to be clear. Some of the times it was the DAT; most of the time, it was just an Embassy employee. I don't know who.

Q During the evening, were you receiving any conflicting reports, things that didn't seem to marry up with other reports?

A Well, you know, the biggest conflict was, "The Ambassador is safe, and he's in a safe room," to, "Now we haven't heard from the Ambassador, and we don't know where the Ambassador is." So that was number one.

The second thing was it had started out -- the initial report to me is that it was a protest that had overrun the Embassy. After we learned that they had been moved to this other facility, there's a gentleman on my staff, former Special Forces but now civilian, I remember, and he would be monitoring social media and other news feeds. And there were now some social media, I believe tweeting, that indicated that Ansar al-Sharia was taking credit for the attack. That was also

a seminal moment for me. Again, I remember he was sitting right behind me, and I was -- we had a face-to-face conversation, and I said, "What?," because that was the first time that I had this idea that this was not just a protest, that this may have been a planned or at least an organized attack by, you know, Ansar al-Sharia, which is essentially an Al Qaeda affiliate. We knew that they were there in the Derna-Benghazi area, and so for me that started to change the tenor of the night. So that was probably the second biggest disconnect.

Q Who's orchestrating or planning whatever the DOD response is going to be? Is that your J3? Who's --

A Yeah. So my J3, along with my J5 and their staff officers, we had a crisis action planning cell set up. Our command center at the time was two elements(REDACTED) and then another command center with separate rooms where people were doing planning. So my staff immediately went into crisis action planning to start to put together options and look at assets and other things that were available that evening.

Q Let's continue on with the timeline, and we'll come back to the crisis action planning discussion in a minute, please.

A All right.

Q So the night's going on, you're getting information. Talk to me about what else is happening, please.

A So, again, State Department are over at this other facility, and we're trying to figure out where the Ambassador is. We also know at this point that there have been some that have been wounded. And

even based on the fact that if it turns out that this Caucasian in the hospital is the Ambassador, we expect that there are going to be some wounded. And so really one of the first things we start looking about is how to do a medevac or evac from Benghazi to get the people out of there.

From my perspective, the -- it was very clear that the folks there at this other facility -- and I don't recall at what point I figured out that they were CIA, but it was pretty well into the evening before I figured out that this other facility and that there were CIA personnel there. The discussion was about, how do we get them out of there? There had never been -- there was no discussion until the mortar attack that occurred a little bit after 5 o'clock in the morning. There had never been any request for any other kind of military assistance that night, but we looked at all kinds of options that night. We -- it's basically you start to -- really the first part of crisis action planning is to think about potential missions and then go identify all the forces that are available and see what options would -- are available. And so that's what my team's doing for me. They're putting together options so that we might need them, but at this point, we're focused on Medevac or evac, and so we're looking at C-17s and C-130s, and we're beginning to try to understand Benghazi airfield. It's a tough problem at that point in the night, because we've had what appear to be now orchestrated attacks, or at least organized, by Ansar al-Sharia. We know that there's some militias that have been, you know, that -- we know -- we knew prior to this that there were militias

in town that are well-armed, and so the idea of moving anything to Benghazi airfield comes -- and requires some specific planning. It's not a -- it's not a -- at least at the time, it surely wasn't a traditional airport in the sense that it has a lot of security. This is just essentially an airfield, so anything that goes in there needs to have security with it. And we've been -- we are always worried in Libya about surface-to-air missiles, right, after the civil war in Libya, all the SA-7s that Muammar Qadhafi had in his military found their way into the black market and C-17s, C-130s are highly susceptible to, like, a small surface-to-air missile system like that. So we were starting to put that idea together about how we were going to get them out of there.

We did start to look at all of the military assets in there. We looked at fighter jet availability.

Q Let's get to that in a minute, sir.

A Okay.

Q Going back to the evening and as it progressed, do you recall the first time you reached out to General Ham, or did you?

A Yeah, I did. The first time I reached out to General Ham is when I got over to the command center some time probably around 2330 and gave him what would have been my probably first update on what I knew, and that was particularly after I -- we no longer had any -- no one had any communication with the Ambassador, and I wanted to make clear to him that I stood up the command center, recalled the command, and were beginning to see what I could do to assist in the locating

of the Ambassador.

Q Did General Ham give you any guidance at that time?

A In the first conversation, I don't recall that he gave any guidance. I gave him an update.

Q Did he indicate --

A And he concurred with what I was doing.

Q At that time, were you aware if the general had met with the Secretary?

A I think the -- my recollection is that the second time I talked to General Ham, he then said that he had met with the Secretary and the Chairman, and then he said -- he gave me very -- three very specific things: that we have permission to move the EUCOM CIF forward; we were told to get the FAST team ready to prepare to deploy to Libya; and that the Secretary had also authorized (REDACTED) to move into the AOR. And so he told me he'd had the meeting and that the Secretary had authorized those and that I would see, you know, written orders that -- prepare-to-deploy orders for those 3 units.

I told him that I had already made contact with EUCOM and that we were already having the CIF try to get co-located with our aircraft and be ready to move; we had already alerted the FAST; (REDACTED)

Q At that point, does AFRICOM have the -- what is your authority over the CIF at that point? Is it EUCOM's responsibility to get the CIF to your AOR, or do you have control over the CIF yet?

A No, we don't -- they're still operation -- under the operational command of EUCOM. It's only when we would get an order

to deploy them into our AOR, like an execute order, that then they would change operational command to U.S. Africa Command. So they're still under EUCOM's command at that point.

Q When you had that second phone call with General Ham, was his guidance to you prepare to deploy or execute?

A They -- all three of those were prepare to deploy.

Q Talk about the difference between prepare to deploy versus execute, what that means.

A So prepare to deploy means to begin planning for the mission, assemble the forces, and be ready to receive an execute order to move on to your mission, and so it means to be fully prepared.

Q And when you talk about assembling the forces, does that mean prepositioning forces anywhere in your AOR or --

A Well, in this case, the guidance was very clear that the EUCOM CIF was to get -- they were separated from their aircraft in Croatia. They were to rejoin their aircraft, and then they were directed to move to Sigonella, and from there, they would be prepared to deploy to our AOR.

The FAST team is located in Rota. They have no aircraft on that night, and then they have no trucks or vehicles or any kind, and so what they do is they re-call the people, and they get the their gear, and they get on the airstrip, and they're waiting for a plane to come pick them up. (REDACTED) and they're all assembling, and they're going to fly in multiple C-17 flights and come to Sigonella, but they've been given permission to move forward to Sigonella. So the

CIF(REDACTED) have permission to move to Sigonella, the FAST team is told to get fully ready and wait for aircraft.

Q And during that second call, was it already established that the CIF was going to go to the ISB? Is that your recollection?

A Yeah, that was my recollection. By the time the Secretary -- my recollection from General Ham talking to the Secretary and the Chairman, that they were given permission: aircraft and men together and move to Sigonella and be ready for the next order.

Q All right. So you talked to EUCOM --

A Yep.

Q -- about the CIF. Did you talk to the deputy, I assume?

A Yeah. I talked to, yeah, their Deputy Commander.

Q And real quick, do you have the authority to talk to the EUCOM Commander, or typically, do you talk to your peer, your equivalent?

A I talk to my peer.

Q Okay.

A And remember, EUCOM's Commander normally lives in Brussels. The Deputy Commander lives in Stuttgart, and so he's normally the guy I talk to, and he's the guy that's on top of it. I don't know where Admiral Stavridis was that night.

Q At what point did you receive an order to execute? At what point did you have the authority to launch assets into Libya?

A We were never given an execute order to move any forces until we got to move in the C-17 to evacuate folks out of Tripoli later that

next morning. There was never an execute order to move any forces from Sigonella into Africa or from Rota into Africa until later. So, I mean, we did get an order eventually to move the FAST team into Tripoli to provide security, but during that evening hour, that incident, there were no execute orders to move forces into our AOR.

Mr. Tolar. I'll tell you what, we're coming up on an hour. Let's go off the record, please.

[Discussion off the record.]

Mr. Tolar. Back on the record real quick.

BY MS. CLARKE:

Q You said that you were never given an execute order until later. Who provides that execute order?

A Execute order comes from the Secretary of Defense. So we were not given an -- there was an order given to move forces to Sigonella. There was never an execute order given to move those forces into Libya.

Q And when you received the execute order later on to deploy the forces into Libya, the FAST platoon into Tripoli, and then the C-17 to evacuate the medically injured, do you recall how that order was conveyed?

A Do you mean, was it verbal, or was it in -- usually in every case -- I don't know specifically for those, but normally it's a VOCO, a vocal command, followed up by a written command. And so, in that case, it was probably both. It was probably a vocal command to get things moving, followed by a written command --

Q And do you --

A -- but I don't know for sure.

Q And do you recall the timeframe for when you received the vocal command to execute the movement of the FAST platoon into Tripoli and the --

A No, I don't recall. It's on the timeline.

Q Do you recall if it was before or after the mortar attacks occurred?

A Oh, it was after.

Q Okay. Thank you.

Mr. Tolar. Would that typically be a phone call from General Ham or from the --

Admiral Leidig. It could be a phone call from General Ham. It could be a phone call from the J3 on the Joint Staff where the orders are -- you know, the working of that order, and getting permission to the Chairman and the SECDEF is done by the Joint Staff, so it could be a vocal order from the J3 on the Joint Staff to me to execute.

Mr. Tolar. Okay.

BY MS. CLARKE:

Q And just to be clear for the record, prior to receiving the vocal execute order, would you have --

A Which vocal execute order?

Q For either of the assets that were deployed into Libya, the FAST platoon or the C-17, did you have the authority to move those assets into Libya prior to receiving that VOCO?

A No. I wouldn't move those without a -- without an order from the Secretary or the Chairman. They're moving across COCOM boundaries.

Q Okay. Thank you.

Mr. Tolar. Let's go off the record, please.

[Discussion off the record.]

[2:04 p.m.]

Mr. Tolar. We'll start our second hour.

BY MR. TOLAR:

Q So, as the night progressed, you're talking to General Ham.
Is that correct?

A Correct.

Q You said you're talking to the NMCC or the J3?

A The J3.

Q Admiral Tidd?

A Yes.

Q Talk to me just briefly about the nature of those
discussions, what were you all discussing, things of that nature.

A We had several conversations during the night. So we would
have just been talking about the coordination of forces and providing
updates on what we know about the Ambassador's location, what we knew
about, you know, intelligence, what we thought we understood about what
the cause of the incident was, where the forces were, what we were
thinking about, what we were planning.

They would've been general conversations where him and I, as two
three-stars, you know, having a conversation to work our way through
this. I couldn't tell you anything specific I talked to him about,
but I probably spoke to him, you know, every half-hour throughout the
entire evening.

Q Do you recall when AFRICOM first received the request for
a medevac?

A Received a request for a medevac?

Q Yes, sir.

A I don't -- from who? From the people on the ground?

Q From somebody on the ground, from the Tripoli Embassy, from wherever.

A You know, I can't tell you when or where or from whom we would've had a request. What we knew was there was wounded, so it was obvious to everyone that there would be a medevac required. I don't actually recall somebody saying, "I need a medevac." I do recall people saying, "We have some wounded here," and we anticipated there may be more wounded with the Ambassador and that we needed a medevac, but there wasn't a specific request that I recall.

Q So given that you know there's wounded, you anticipate there's going to be a medevac, what actions did you take to facilitate that?

A So we begin conversations with EUCOM, who has the responsibility up at Ramstein Air Force Base in USAF. And then we also start to get in conversations, my staff, with TRANSCOM, who has command of most of those C-17s that are up in Ramstein. And so it's a Joint Staff, TRANSCOM, EUCOM, AFRICOM discussion between the staffs about how to get a C-17 ready for a medevac.

Q Did you have any personal conversations with anyone at TRANSCOM?

A I did not.

Q Do you recall being made aware of what assets were available

for a medevac?

A Here's what I recall. There was a C-17 available. We had to bring in doctors and nurses and crew and get the aircraft ready and then that an aircraft had to be specifically configured for this mission. There wasn't one available that was specifically configured.

Q Going back to the ISB at Sigonella, do you recall who established that as being the ISB? Whose decision was that?

A That came from General Ham's conversation with the Secretary and the Chairman. That's the first time that someone, at least to my recollection, said that's where we're going to move them to. Up to that point, the deputy commander in the EUCOM and I were discussing about just getting them co-located with their aircraft and being ready to move from Croatia once they were ready to do that. But then we were given specific guidance that they were to move to Sigonella.

Q Do you know who made the decision that ISB would be Sigonella?

A No, I don't.

Q Okay. Do you know if other locations were considered for ISBs?

A No, I don't.

Q Who owned the Predator aircraft that were operating that night? I know you said they were --

A The one that was up and operating at the time was under our command at U.S. Africa Command. It would've been under command of our

Air Force.

Q And when we talk about the Predator that night, there were actually two that flew over Benghazi, correct?

A There was one up, and then there was another that came to relieve it on station.

Q Correct. So when I speak of the Predators that night, I'm speaking of those two.

A Okay.

Q Were either of those Predators armed?

A No.

Q Could they have been armed?

A That day?

Q Yes, sir.

A Some Predators can be armed; some aren't armed. Those weren't armed. (REDACTED)

Q (REDACTED)

A (REDACTED)

Q Okay.

And I want to say there was some kind of an ISRS flying the following morning. Do you recall that?

A No.

Q Okay.

So let's go back to the evening. We're progressing through the evening. You're communicating with Admiral Tidd. You're talking to General Ham. At any point, did you receive any specific guidance on

what kind of actions they thought General Ham and/or Admiral Tidd thought that AFRICOM should take or they relied on you and your crisis planning cell to come up with a plan?

A My normal conversations with General Ham would begin with me telling him all the things that we have considered and looked at and what the options that might be available. I don't recall General Ham giving me specific guidance on any specific options or things to do.

The J3 and I would have probably had more of a collaborative conversations. Again, he didn't at any point give specific direction to take any specific course of action. We would have discussed a myriad of options, again, because he would be like me, trying to get a handle on what all the forces are available. He would have a global view, an across-combatant-commander view, and he would be trying to share with me some of his thoughts and ideas.

But, no, I didn't get my direction that I can recall from either General Ham or Admiral Tidd.

Q Sir, if we can, let's talk about the crisis action planning cell now and kind of the thought process and, there that night, the options that were considered, things of that nature.

A Uh-huh.

Q So walk me through that, please.

A So what the crisis action planning team is, they basically -- they look at an entire range of options. And so, you know, things that we began to discuss that night were to look at forces that

are available at U.S. Africa Command, look at forces that are available at U.S. European Command, and see what forces may be brought to bear to help.

So we began to do an assessment of the forces in Djibouti, but, in general, those forces -- there weren't any tankers there, and none of the forces really have the legs to make their way all the way up to Libya and be of any assistance there.

So, again, we would take a look at all the aircraft and all the forces there, including the ground forces that we might be able to put on a C-130 or something. But from our analysis, none of those forces could be brought to bear.

We then, with the EUCOM staff and the AFRICOM staff both looking at forces available at EUCOM, we began to assess the forces that were available. We began with looking at the CIF, and we had identified that early. And that's why we had already -- even before General Ham had given the order, the CIF had been told to get themselves -- you know, basically, everybody get up in the middle of the night, get relocated with your aircraft, and be ready to move.

We had already looking at the FAST team, and they had already been alerted. So those are sort of some of the quick reaction forces.

We then began to look at aircraft that were available. And, again, I think you're aware of this, but, you know, we went and looked at what aircraft were available that night, and, essentially, there were no fighters or aircraft on alert that night.

And so, you know, again, to put this in perspective, we're now,

you know, past midnight, probably 1 o'clock, 2 o'clock in the evening. And to get any aircraft available, it begins with the simple part of we've got to go start getting people out of bed and bringing them into the base and trying to get aircraft ready.

And so, as we started to look at, you know, if we could bring fighters to bear, the nearest were Aviano. Again, it would begin with calling people in. And it's not just calling in a couple pilots, obviously, right? It's calling in everybody to operate the base, everybody that operates the weapons facility, everybody that does intelligence, you know, the whole thing to bring it together.

And then you have to look at the legs that F-15s have. They don't have enough gas to get down to Libya and back from Aviano. And so it's not just a question of telling the fighters to get together and then fly down to Libya; you have to put tankers up. The tankers are up in the United Kingdom.

And the same thing; he says there's none on alert. You have to wake people up, get them to come in, and then they have to fly all the way down to the Mediterranean and establish a cap over the Mediterranean because fighters from Aviano have to leave Aviano, get gas, go in and do whatever they would do, come back and get gas in order to get back to Aviano.

And as we looked at that that night, that was not a feasible option, and so we moved on. And then we started looking at other options, like eight AC-130s. They're up in the U.K. They don't have enough legs to get there. They need gas just like tankers and stuff.

You've got to call crews in and stuff, so they're not going to be available.

And none of those options that we looked at for bringing air forces there, unless somebody was already -- if somebody had been prebriefed and was already preplanned to conduct some sort of mission, they weren't going to be available that night.

Q In terms of the F-16s at Aviano, did you consider -- it's our understanding that perhaps there were missions, specific missions considered, but because they couldn't get there in a timely fashion, that's why they were waved off. Do you recall the specific missions that were being considered for the F-16s?

A Well, we just look at a whole range of missions. You know, we can look at missions from just flying in and show of force all the way to dropping weapons and conducting kinetic operations. But we hadn't spent a whole lot of time doing that, because once you find out that it's not feasible to have them there -- I was living in the world of "what is" that night, not "what if."

Q Sure.

A And so I'd do the "what if," and if it's not feasible, I've got to move on. And so that's what I did.

Q Does the fact that we had the unrest in Cairo coupled with the Benghazi events, did you ever think that maybe there's something else going on, this thing's going to get bigger than just these two locations, and perhaps --

A Oh, certainly. And we started alerting people right away.

Q Okay.

A But they're just not going to be able to conduct the mission at that point.

Q Sure.

A So, yeah. Yeah, I mean, that's why we started to alert everybody in Europe.

Q Do you recall if you ever requested from EUCOM that the F-16s be stood up?

A We made a request to EUCOM to prepare them to get ready to conduct a mission. I don't know how far along we got that night. I don't even recall tracking it.

Q What other assets did you request be put on alert or et cetera?

A The lift aircraft for sure. I needed lift to get to the FAST team in Rota, so I needed C-130s. I requested the tankers to be alerted, fighters be alerted, and then C-17s. Those were the main assets I was focused on.

Q And how do you execute that request?

A I talked to the deputy commander at European Command.

Q You just called him up and said, hey, this is what I need?

A Yeah, talking to him directly.

Q Gotcha. Thank you.

(REDACTED) Is that correct?

A I did.

Q Do you recall their names?

A Dang. One of them -- to be honest, (REDACTED) I don't remember his last name.

Q That's all right.

A (REDACTED) I honestly don't remember -- I don't remember his last name.

Q And do you know who --

A (REDACTED)

Q Okay.

A (REDACTED)

Q (REDACTED)

A Not that I'm aware of.

Q Okay. (REDACTED)

A (REDACTED)

Q And you indicated that General Hooper, your J5, was in your crisis action team.

A Yes.

Q And he was communicating with somebody over at --

A It was normally an embassy employee you'd be talking to --

Q Okay.

A -- on the other line. Not anyone that I could recall the name. And the only time any really useful information came from there is when the DATT got on the phone. The Embassy employee was essentially, from my perspective, as best I recall, was just keeping the line open. There wasn't any information coming from her. It was a lady is all I recall.

Q Who was Ambassador Tony Holmes?

A He was the deputy commander for civil military affairs at Africa Command.

Q And what does that mean?

A At our combatant command, we were unique to the other combatant commands in that we had two deputy commanders -- one military, me; and then Ambassador Holmes from State Department.

Q What was his role?

A His role was to be a State Department adviser and an adviser to General Ham on matters related to the State Department.

AFRICOM was stood up with the sense that it wouldn't be a traditional warfighting command when it was established in 2008, that we would do a lot of work with State Department in partnership with nations on the continent. And so it was thought that it would be valuable to have someone with ambassadorial experience being there to advise and work in the command and also be a liaison back to State Department.

Q Did he have his own ops center, so to speak, or something like that --

A No.

Q -- or did he operate out of yours?

A He operated at ours.

Q Okay. Did you make him aware that evening of what was happening?

A He would've been notified by our command center, just like

me as the deputy commander. I think I said in my previous testimony, to this day, I don't know where he was that night.

Q Did you ever communicate with him?

A I don't remember asking him afterwards. He wasn't in the command center that night, and I don't remember ever asking him why he wasn't there.

Q Was he physically in the area, as far as you know?

A I don't know.

Q Was he at work on September 10th?

A I honestly don't recall. His office was next to mine, but we didn't particularly work on the same issues most of the --

Q Right.

A -- time, so I could go a whole day without seeing him and not notice.

Q Do you recall if you saw him on September 11th at all?

A I don't recall seeing him. Once I went to the command center on the night of September 11th, my best recollection is I was there for the next, like, 48 hours. I don't recall ever going back to my office.

Q Okay. Do you all typically have any kind of standing weekly meetings?

A We do.

Q Do you recall having one that week with him?

A Before or afterwards?

Q Yes, before.

A I don't have any specific recollection, but we did have a weekly meeting that he and I would've both been at.

Q The following day, do you recall, did he ever show up in the command center? Did you ever see him?

A I don't recall him ever being there.

Q I'm trying to figure out why the number-two guy -- the number one-guy for the State Department, I can't find him anywhere. He didn't seem to get involved in any way, and I'm trying to figure out why not.

A I don't know. I don't recall seeing him at any time during any of this incident. It's not to say he wasn't there; I just don't recall that he was.

Q Yes, sir.

What input -- did he have representatives or staff working for him?

A Yeah. There were a number of people in the staff that were State Department employees that considered him in their chain of command.

Q Okay. And were they present that evening?

A Unlike some of the other combatant commands, since we had a deputy from State Department, we also had a political adviser. Most combatant commands just have a senior political adviser, who is normally an ambassador. We had a political adviser. He was relatively new. He had been there about a month. He came in the command center that night.

Q And was he providing information to you or your staff via State Department that you're aware of?

A He may have been. He wasn't providing any to me. He was relatively new. I didn't know him that well. He had never served as an ambassador. I think his most senior position had been a DCM. And so I don't recall him providing anything of substance that night.

Q Going back on the morning of September 12th, the National Military Command Center conducted a SVTC, or a teleconference, about 2:30 a.m. your time.

A Uh-huh.

Q Do you recall that?

A Well, what I do recall is being involved in SVTC that night.

Q Okay.

A So I can't say for sure about the exact time at 2:30, but I was involved in SVTCs throughout the evening and would've been involved in essentially any that we had. We had more than one.

Q Is it possible there was a SVTC about 2:30 a.m. your time with NMCC?

A Yes.

Q Is it your recollection that perhaps that was the first SVTC that you participated in with NMCC?

A Well, the answer to the question is, no, that probably wasn't the first. I would have talked to Admiral Tidd before that. I could have either talked to him by picking up a secure phone or I could have -- right at my same desk I have a SVTC. SVTC is just a device,

secure video teleconference. And so I have a personal one. Normally he and I would talk, because when you can see somebody you can have a better conversation than talking through a phone.

Q Sure.

A So I won't say that it was the first.

Q That's okay.

Let me do this. According to the DOD unclassified timeline, about 0230 your time there was a conference call with NMCC and a bunch of other COCOMs.

A Okay.

Q Were you on that call?

A I'm trying to be as truthful as I can.

Q Sure.

A The answer is probably, but I can't say for sure at 0230 I was in a SVTC with a bunch of other combatant commands. I was in multiple SVTCs that night with multiple people throughout the entire evening.

Q Were there more than one conference call with all the COCOMs on it?

A We very rarely ever did a conference call. We almost always did a secure video teleconference with multiple people. That may be what they're referring to there, but -- I'm trying not to be overly picky, but I'm just trying to be honest with you --

Q Sure.

A -- that if you're referring to a specific event, I don't

have enough memory from 2-1/2 years ago to remember a specific conference at a specific time that night. I was involved in so many.

Q What was your understanding as to whether or not the FAST team was going to go to Benghazi versus Tripoli, the first FAST platoon?

A The initial prepare-to-deploy order was to deploy to Benghazi. Be prepared to deploy to Benghazi.

Q At what point did that change?

A Well, that changed after the 5:15 to 5:30 mortar attack and when the special forces on the ground said we're getting out of here and we're going to Benghazi and we want to get from Benghazi to Tripoli. There made no sense at that point, from my perspective. And there still was no aircraft with the FAST team in Rota, and that's still a 3-hour flight away. So at that point it becomes pretty clear to me that that FAST team is never going to get to Benghazi because the guys at Benghazi are heading to Tripoli. And they already have one small aircraft and were working with that DATT to get a C-130.

Q Were you ever told they're not going to Benghazi, they're going to Tripoli, or you just know that that's the right answer?

A No -- well, at that point, that's any assessment. They are still prepared to go to Benghazi.

Q Sure.

A The difference between going to Benghazi or Tripoli, I mean, their intelligence would be a little bit different. They'd have to look at the airfield, the threat, and the other things like that. But they're still going to get on a C-130 and make about either a 3-hour

flight or a 4-hour flight to Benghazi, and they're going to land on an airfield, and they're going to provide security, whatever the mission is. So they're not a whole lot different.

Q Who made the decision for them to go to Tripoli vice Benghazi?

A It was never a decision of go to Tripoli versus Benghazi. Events -- by the time that aircraft were available to the FAST, there was nobody left in Benghazi. So it's not a decision of Tripoli vice Benghazi. It's, by the time that they're mission-capable and ready to go, there's only one option, and that is to go to Tripoli.

Q As the events unfolded on the morning of the 12th and your crisis action team is still doing their planning, are you receiving updates about the status of lift aircraft?

A Yes, I am.

Q And did you ever have any concerns about how long it was taking to generate lift aircraft?

A Not that it was the middle of the night and none of them were on alert, so I sort of -- I understood there would be some amount of time to be able to recall air crews and do briefs and do all the things that it takes to put together a flight.

There was a brief moment where there was a question about whose authority we needed to move the C-17s. That was TRANSCOM. But then that was quickly resolved through a SVTC where everybody got on the conference and TRANSCOM made it very clear that they were ready to authorize the movements to C-17 when we were ready. And so that was

taken care of.

And then the only other question was about clearances, and the DATT was able to work through that.

So none of those turned out to be delays, but there were moments where, you know, there were key steps along the way where, you know, we thought that there might be a potential hurdle, but in every case, from my perspective, they all got resolved pretty quickly.

Q As you're aware, sir, the FAST platoon(REDACTED)

A Sounds correct. I couldn't tell you the exact number. You know, (REDACTED)

Q (REDACTED)

A Okay.

Q The FAST platoon commander, we interviewed him, and he indicated that they were prepared to go (REDACTED)but he ended up waiting around about 6 hours on the tarmac waiting for lift --

A Uh-huh.

Q -- and then probably another 3 hours in delays due to uniform, what they're supposed to be wearing.

Mr. Kenny. I'm sorry, are we talking about the CIF or the FAST?

BY MR. TOLAR:

Q I'm sorry, the FAST platoon.

A Right. I understand. That's what you said.

Q My question is, were you aware that those guys were ready to go and just sitting around waiting for a ride?

A Yes.

Q And had planes been made available sooner, could you have launched them? Would you have requested from the Secretary, hey, I want to execute? How would that work?

A Okay. So, again, it's a hypothetical, but I'm not surprised that the Marines (REDACTED) They practice it all the time. I would have expected them to be to be there.

But C-130s are up in Germany, and air crew's got to come in in the middle of the night, get it loaded up, get it mission configured, get ready to fly down there. It's a couple-hour flight down to there. So those timelines all make sense to me.

So, again, it's a hypothetical about what I would have done if they'd got there sooner. They got there, I think, as quickly as they could have. And so --

Q Let me do it this way. Who tells the C-130 pilot that's getting in the plane to go pick up the FAST team "go"?

A C-130s, from my understanding, would have been EUCOM assets, and they would have been told to go from EUCOM.

Q So the EUCOM can't tell them to go, though, until he's got an execute order from the Secretary because --

A Not in this case.

Q Why not?

A He can move aircraft inside his AOR anywhere he wants to go. So that's inside his AOR. He can move C-130s to Rota based on his own command.

Q Once they got to Rota, though, he couldn't send them to

Tripoli until he got the execute order.

A There would have to be an execute order from the Secretary and the Chairman to do that.

Q And then how would authority chop to you? Would it chop to you once they crossed the Med, basically?

A It can be done in a variety of ways, but it would be done in a formal order, normally, in this case, in a crisis, verbally, followed by a written order. It could be at a certain time. It could be as soon as the aircraft launched the change operational commander of U.S. Africa Command, or it could be when they go across the boundary. It just depends on the mission set.

Q Were you aware of the issue that were Marines were having as to whether or not they could wear civie and uniforms, civilian clothes versus uniforms?

A Yeah, so this is well into the next day now.

Q Yes, sir.

A Yes, I was aware of that.

Q And what is your understanding of the issue?

A The issue is that we'd had this event in Benghazi; we're concerned about the stability in Tripoli in the wake of this. The plan, as I recall, was that the Embassy would provide vehicles to meet the C-130 with the Marines at the airport in order to not get any local militia excited, to not draw any attention to themselves, that they would come on the C-130. And the Embassy at the time wanted them to be in civilian clothes when they got off of the aircraft, to get into

the vehicles provided by State, drive to the Embassy, and then they could put their uniforms on once they got to the Embassy.

Q Do you recall whose final decision it was what they were going to wear?

A It was discussed -- it moved all the way up to State Department and back to Washington, D.C., to the Department of Defense. The decision was made to comply with the Embassy's request. And that's what I was directed to do, and that's how we proceeded.

Ms. Clarke. Admiral Leidig, I'm going to introduce an exhibit, and we'll mark it as exhibit 1.

[Leidig Exhibit No. 1

Was marked for identification.]

BY MS. CLARKE:

Q This is an email chain, and I think it reflects a little bit of our conversation earlier about a conference SVTC or phone call with the National Military Command Center. I'll go ahead and give it to you and have you take a look at it while we're grabbing an exhibit sticker.

A Okay.

Q And just for the record, this is an email chain. The document number is SCB 001375 through 378.

And, Admiral Leidig, I'll note for the record that you are cc'd on this. Do you recall seeing this email prior to today?

A No, I don't. But I'm certain I did. If I was at -- you know, at my desk, I have phones, I have email, and I have a secure video

teleconference, so I'm sure I saw it.

Q And so the first email is at 8:39 p.m., and it appears to be summarizing the discussion during the conference call. And I think we've discussed this a little earlier today, that the Secretary of Defense provided vocal orders to prepare to deploy a FAST platoon to Benghazi and a FAST platoon to Tripoli.

And that's on the first email. Do you see that?

A I see that.

Q And then the second email is from Vice Admiral Kurt Tidd, who was the J3 at the time. And he appears to provide a little bit of clarification to those orders. And this is at 8:53 p.m., and he writes, "Discussions at Deputies, and followed up between OSD and the Chairman."

Do you recall what -- were you aware that there was a Deputies Committee meeting that occurred sometime during this timeframe on that night regarding the assets that could potentially deploy in response to the events in Benghazi?

A I don't have any recollection of it, but I'm sure I read this email, and I would have seen that there was a discussion of it. But I don't have any recollection of it.

Q And what I wanted to look at was -- it's the third full paragraph down. It says, "SECDEF has directed FAST to make all preps to deploy but hold departure until we are sure we have clearance to land in Tripoli."

Do you recall any discussions that night about that particular

need to hold the departure until there was clearance obtained from the Libyan Government to land in Tripoli?

A I don't understand the question. We would always have to get clearance to land in another -- to deploy forces and go into another person's country.

Q Understood.

A And so this would have been -- if I saw that, that would have been fairly -- that would have been normal procedure. I would have said, okay, I got it. You know, we'll deploy them when we have clearance.

But they weren't ready to deploy. At 2:30 at night, there were no C-130s there. So, again, the question is a hypothetical because there's no aircraft, they can't deploy at this point in the night.

Q Understood. But what he wrote was, "Hold departure until we are sure we have clearance." So it seems like he's indicating that not only do you have to have the capability to deploy, as far as having C-130s ready to transport the FAST, but that you also have to have this clearance from the Libyan Government before you can deploy those.

And do you recall any further discussion about that need that night or going into the morning of the 12th?

A We would always get clearance from a country to deploy forces into their country. That's a normal procedure. There's nothing about that sentence that is anything but normal. I guess I don't understand your point.

When we get C-130s and we have forces available, we would ask the

country to fly their plane into their AOR, and they would give us permission, and we would fly it. We didn't have any permission getting aircraft to fly into Libya. The only problem that we ever had any problems with were ISR aircraft. And there was never any delay or any problem that we ever encountered with getting aircraft to fly into Tripoli. Getting clearance didn't delay anything that night.

Q Okay.

In the next sentence, he says, "We'll work with State to nail that down, but intent is to get security force augmentation into Tripoli (not Benghazi, at least not initially), as soon as possible."

Do you recall that discussion around 2:39 a.m., that the FAST platoon was not going to go to Benghazi?

A It doesn't say the FAST platoon is not going to Benghazi. It just says "at least not initially." And that's consistent with what I've been trying to explain to everybody, is that during that night the people on the ground wanted to get out of Benghazi and get to Tripoli. And so we were already looking towards that during the night, based on the input from the special forces and others on the ground.

And so, again, that was consistent with what was happening that night. We still had Benghazi on the table, but that wasn't going to be the plan at this point, because we had every expectation that they were going to get from Benghazi to Tripoli and that's where we were going to do the evacuation. There wasn't going to be anybody in Benghazi to provide security force augmentation to because they were going to have left Benghazi and gone to Tripoli.

Q And I think that's reflected in his next sentence.

"Embassy making efforts to move all AMCITS from SAO Compound Benghazi to Tripoli, possibly using same Comm Air that 5-pax team arrived on."

A Right.

Q And so your understanding at that timeframe during the night was the plan was that the individuals in Benghazi were going to make their way to Tripoli and then potentially evacuate them from Tripoli at that point. Is that correct?

A That was the plan that was being discussed throughout the evening, yes.

Q And then that plan was essentially finalized once these mortar struck. Everyone knew at that time that they were definitively evacuating from Benghazi to go to Tripoli.

A Right. Because what the team on the ground needed was -- they were working -- the agency was working liaison with local militias to figure out who they could trust, who they couldn't trust, who the good guys were, who the bad guys were. And they needed a local militia to help provide security to get them from the Annex to the Benghazi airfield. That came together after the mortar attack in the morning.

And that's when we got the report that we finally got a militia. I don't remember which one it was. They've agreed to provide security along the route and at the airfield. We're getting in our vehicles and we're gone. And they went to the Benghazi airfield.

And during that time, there was already the smaller aircraft and

we had been working through the DATT to get the Libyan C-130 there to get them off the airfield.

Q Thank you.

A Okay.

BY MR. TOLAR:

Q In terms of, sir, I'm trying to think back on the night of the 12th and, kind of, as your crisis action team is making their plans, were there any specific missions that you tasked them to consider in terms of planning?

A Well, the detail planning was for evacuation at Benghazi airfield and evacuation to Tripoli airfield and medevac. Those are the ones we got into details. Most of the others were not feasible. And the deployment of the FAST and the CIF.

So we would have been working the CIF, the FAST, medevac/evac in detail. And we would've been having initial discussions (REDACTED) So we would've been well into the details of all those.

But you've got to remember -- I tried to explain this, I think, the last time -- our staff had just fought a war in Libya the year before. This is an experienced, combat-experienced staff. They know how to do planning. They consider every single option. They know how to take ones and say "not feasible," "not reasonable," "don't have the forces assigned," set them aside, and continue to go after the ones that are feasible. This is a very experienced staff at this point.

Q I want to talk about the CIF, or the modern-day CRIF, as you know it.

A Okay.

Q Obviously, the CIF - (REDACTED)

A Uh-huh.

Q Is that correct?

A Yes.

Q Are you aware of that?

A Yeah. Again, I'm far enough removed I can't remember the exact number of hours, but it would've been a short timeframe like that.

Q And, obviously, you'd learned that night, based on your conversations with EUCOM, that the CIF was not co-located with this aircraft. Is that correct?

A That's correct.

Q Do you know if your staff would have been aware of that?

A Probably the team at Special Operations Command, and there may have been some staff officers knew. At my level, I didn't typically maintain awareness of where the EUCOM CIF was located.

Q Do you know if in the planning process your folks were aware that the CIF did not possess hardened vehicles with it? They had Sprinter vans instead.

A I never had a discussion that night about the specific vehicles they had. I know they have a hard vehicle capability. I never got down to that level of detail, what vehicles they had with them. I did know that they had mobility.

Q We had General Repass in last week.

A Okay.

Q He was the SOCEUR commander.

A Uh-huh.

Q Do you know the general?

A I do.

Q Okay. He indicated to us that, basically, once 0300 was triggered, his only concern was to get the CIF to the ISB(REDACTED)

A Hmm.

Q Does that make sense to you?

And let me do this; let me take it a step further. And he said the reason for that is, once 0300 is triggered, (REDACTED) Are you aware of that? Is that your understanding of the CIF?

A He is surely the expert on the Special Operation Forces.

Q Okay.

A I wasn't tracking trying to be at any specific timeline. The CIF is a highly sophisticated, experienced capability. (REDACTED) What they would do if they ended up being co-located would be something that would be talked about.

It's possible that that's Mike's perspective, and I wouldn't discount that. But I wasn't necessarily assuming that when they were coming together. But that's Mike's view. I wouldn't discount it. He's the expert.

Q Well, I guess that's my question, is -- well, the followup question on that is whether your planners appreciated that.

(REDACTED)

A (REDACTED)

(REDACTED) If he chooses to use the CIF as part of his force, that would be part of the recommendation; if he chooses not to, that would be part of the recommendation.

(REDACTED)

Q (REDACTED)

A Oh, yes, absolutely. We've already -- in our AOR -- again, we're an experienced AOR - (REDACTED)

Q Sir, let's turn to September 13th.

A Okay.

Q Talk to me -- obviously, everybody is out of Libya at this point, right?

A Well, those that were involved in the Benghazi incident, yes.

Q Yes, sir. I'm sorry.

A But -- yeah, okay.

Q FAST platoon is now in Tripoli at the Embassy.

A Uh-huh.

Q All the other folks that were engaged in the attacks have been relocated to Germany.

A Uh-huh.

Q Talk to me about the 13th, kind of what's going on in AFRICOM, where's your head, what are you looking towards, what are you planning, and things of that nature.

A Oh, well, we're deeply worried about Tripoli at this point. We don't know if there's coordination. We know that there are members

of Al Qaeda affiliates that have found their way into the Tripoli area, so we don't know what militias might be planning what activities. And so, surely, the Marines defending the Embassy there, they're pretty much on edge about defending there.

We're also concerned about the Tunisian Embassy. I can't recall the exact day, but there was a protest and essentially an attack on the Tunis Embassy. That occurred, I think, I believe it was, like, 2 days afterwards. It may have been the 14th. So we were deeply concerned about that, and, as a result, (REDACTED)

Q And there was also a team -- is this not correct -- (REDACTED) Do you recall that?

A Oh, yeah. Yeah, we -- I'm trying to think. We definitely had a force go down there, and we actually put troops on a plane that got up to the border with Sudan, but we never got permission from State Department or the country to put the forces in to protect the Khartoum Embassy.

The forces that I recall that were on the planes were Marines that we were moving in there. (REDACTED) but I don't recall the details of that.

Q (REDACTED) And you kind of anticipated my other question. I understand there were some Marines on the USS New York just off the coast of Djibouti.

A Uh-huh.

Q Do you recall that they had been activated or alerted to prepare to move into Khartoum? I don't know that --

A Right. We had actually, at one point, in my recollection, got Marines on a C-130, and they flew out of Djibouti, and they headed up to Sudan, and they got right to where the border was, and they established an orbit there while we were trying to get permission from the Sudan Government to go -- the State Department was trying to get permission. And we never got permission, and they went back to Djibouti.

Q Do you recall if those Marines were stationed in Djibouti or if they came off the USS New York?

A I don't recall where they came from.

Q Thank you.

And just for the record here, I'm trying to clear something up. Talk about country team coordination. Who typically facilitates the coordination for the countries that AFRICOM operates in?

A Do you mean coordinates for them at AFRICOM or coordinates for them in the country?

Q At AFRICOM with the various countries. How does that work?

A Oh. Well, we have staff officers that are assigned normally two or three countries, and they become the primary. We were organized by regions, four regions, and then in each side of regions there would be some number of staff officers. They may have anywhere from one to two to three to four countries that are their responsibility. And they primarily interact with the defense attache in that country team.

Q On the night, 12th, 13th, 14th of September, are they

working issues for Sudan and for Tunisia, or is that State Department?

A Well, surely we're in contact with our defense attaches in all those places. But we don't have an embassy and we didn't have an embassy in Khartoum at the time. We didn't have an ambassador. Let me put it that way. There was no ambassador. The status of our diplomatic relations were such there was no ambassador in Khartoum.

Q Yes, sir.

Talk to me briefly about crew rest. Do you, as the deputy commander at AFRICOM, have the authority to waive crew rest?

A No.

Q Does the AFRICOM --

A Nobody would ever come to me for crew rest. They would go up to their operational chain, their service component that controlled them to manage crew rest.

Q So the component commander has that authority?

A Yeah, the service component commander. So if you're talking Air Force assets or Navy assets or Marine assets and pilots, that's managed inside the service. In my experience, at the joint geographic command, nobody ever came to us and asked us about crew rest.

Q Well, the issue is whether or not you directed crew rest be waived for any of the lift assets.

A I was never asked about crew rest.

Q Okay.

Sir, we've gotten reports that possibly there was a U-28 --

A What's a U-28? I honestly don't know.

Q That's okay. It's a small, single-prop plane, Cessna type, typically operated by Air Force Special Operations Command.

A Like a U-12?

Q I don't know.

A Okay. So, yeah, they operate single-prop, small aircraft, yep.

Q (REDACTED)

A (REDACTED)

Q (REDACTED)

A (REDACTED)

Q My question to you was whether or not you were aware if there were any U-28 aircraft in Souda Bay on the night of the attacks.

A Not that I was ever made aware of.

Q Who would be the best person for us to talk to to determine what kind of special operation aircraft were in the AOR that night?

A Well, I would -- in what AOR? In the EUCOM AOR?

Q EUCOM and AFRICOM -- well, I mean, I'm more concerned -- I'm looking for aircraft that were in close proximity potentially, so it'd be the EUCOM and AFRICOM AOR.

A I would think you'd ask the EUCOM staff and their components. You know, they have an air force in USAFE, and they have a special operations command. Those would -- and they also have a naval component command that would have had aircraft. All these of those components would have aircraft in the AOR.

Q In terms of the mortar attack, I know in your previous

testimony you mentioned that clearly that indicated a military-type capability. Talk to me about why you said that.

A Well, my best understanding of the attack when it occurred, it was all over in a matter of 10 to 15 minutes. And it essentially consisted of a mortar that landed long, a mortar that landed short, and then either two or three mortars that landed on the roof. And so that's a very precise capability conducted by people with military skills.

And the fact that they could find a spot in the dark, accurately range the Annex so that there was one long, one short, and three on the roof, indicates that that was a militia. That's not protesters that somehow got their hands on a mortar. So it was very clear to me that we were now talking about a militia.

Coupled with some of the (REDACTED) that night on (REDACTED) and social media that Ansar al-Sharia was taking credit, it became clear to me that that attack was led by a militia that probably had Ansar al-Sharia as part of it.

That is so far different from protesters that, at that point, I was absolutely convinced the events that night weren't protesters. There may have been some protesters there that night, but that isn't who overran the facility, that's not who went there and lit the fires, that's not who harassed the guys a little bit during the night, that's not the guys that conducted the mortar attack.

Q In your experience, could the average militia execute a precision strike like that with a mortar?

A With a mortar?

Q Yes, sir.

A It takes a small team, so it could be a well-trained element inside a militia. But it wouldn't be somebody who was operating a mortar the first time. They would've had to have had training and expertise not only on the device but how to deploy it. So they would have been an experienced element.

Q Did AFRICOM do any investigation at all of the mortar attack and try to look into where it came from, how it happened, et cetera?

A There was some analysis done. I don't know if it was done at AFRICOM. It was done with other -- I know it was done within intelligence agencies to try to assess that. I don't recall ever seeing the results of that.

My recollection, honestly, is that they knew the direction that it came from, and when the sun came up it appeared to be an open field in that direction. That's all I recall, that it came from an open field and they knew the direction that it came from.

Q And have you learned anything since then?

A No, I haven't.

Q Thank you.

Sir, going back to the Tripoli Embassy, after the attacks on Benghazi, everything resolved, and we got back in there, do you recall any discussions about what the evacuation plan would look like going forward given the events that had recently happened?

A Oh, what changes we might need to the noncombatant --

Q Yes, sir.

A No. I don't remember doing any specific planning changes as a result of that. It may have come somewhere further down the line.

Well, let me be specific. It did come further down the line. Not in the immediate aftermath did I have a discussion, like, on September 12th, about how that was going to change the noncombatant evacuation plan, but further down the line we absolutely did. Because now we had Marines there with a little bit heavier weaponry and stuff, and so we talked about how they would be employed in a noncombatant evacuation, and we built a plan in the case that we felt that the Marines would be threatened and we needed to be moved out of there. But we never reached that point.

Once we established the Marines there, it became very clear from intelligence and other things that the militias in town were intimidated by our Marines and that they no longer contemplated any kind of problems with the Embassy. We had some good intel at that point and felt pretty secure once the Marines were there.

Q Talk to me about the new normal, as you understand it. Obviously, post-Benghazi, DOD established a new normal. Talk about how that impacted AFRICOM prior to your retirement, how did it manifest itself, et cetera.

A I don't have a very good -- to be honest, I don't have a very good recollection of this, and I haven't thought about it.

In general terms, what we tried to do is address our ability to respond. At U.S. Africa Command, really the only place that we had

forces on the ground was in Djibouti, and so whatever the range of those forces was, that was essentially our capability to respond. But the continent of Africa is huge. It's three times larger than the United States. And so we didn't have any forces in the AOR, and so the general gist of it from AFRICOM's perspective was to move more forces down to the southern tier of Europe, to have them in bases like Rota and Sigonella, where they could quickly deploy and move into the Africa continent.

This gave us more emphasis to get our own CIF -- which eventually we did get a CIF assigned to us. It did result in ultimately taking the two FAST platoons and assigning one specifically to AFRICOM and one to EUCOM.

And over time, over the next -- yeah, really over the next year, we started to establish smaller facilities in northern Africa where we could have small numbers of forces. So we began to operate some UAVs out of the country in (REDACTED) We worked with countries like (REDACTED) to have places where we could land aircraft. And we were assigned a special purpose MAGTF by the Marine Corps that would now be made available to us.

So we began to look at ways so that we could have, though small and not U.S. bases, but presence across North Africa that gave us the ability to at least respond in that part of the AOR.

And that was the most important for us. Most of southern Africa, though unstable in a lot of ways, wasn't unstable to the same degree that North Africa was, particularly as a result of the Al Qaeda or Al

Qaeda affiliates there. So we were primarily focused on North Africa and West Africa. We were already pretty well set in East Africa. And so we started to establish some of these places. And we began to look at how we could partner with other countries, particularly the French in West Africa, where, if necessary, their forces could help respond to a problem that we might have and how we might be able to help respond to them.

So that was the gist of it. I don't really remember any kind of details about agreements or anything that were signed. But that was the direction we went.

Q Did the new AFRICOM JOC, was it established prior to your departure?

A Yes. We did make adjustments to the operations center. So, on this event, (REDACTED)

(REDACTED)

Q The AFRICOM CIF was activated on or about October 1st of 2012. Is that your recollection? Basically stood up?

A I don't remember the exact date, but I remember it was not long after this event. This provided the impetus to finally get it approved. We had been asking for it my entire time there, to have one of our own.

Q Is that CIF structured the same as the EUCOM CIF, to the best of your knowledge?

A (REDACTED)

Q But in terms of their lift capability, in terms of their

size, their table of organization for manpower, is it similar --

A (REDACTED)

Q And do you know, in terms of the 0300 mission, do they have the same requirement as the EUCOM CIF; it's simply a function of which AOR they're going into?

A Yes, they would've had the same mission requirements.

Q Okay.

Mr. Tolar. I'll tell you what. Let's go off the record.

[Recess.]

[3:15 p.m.]

Ms. Green. We'll go back on the record. It's about 3:15.

EXAMINATION

BY MS. GREEN:

Q Admiral, we're going to really just go topically through some of the areas that my colleagues went through with you over the last couple hours.

A Okay.

Q And so bear with us as we jump from topic to topic.

There was some discussion about the ARB and whether you had been interviewed for that. And you mentioned that you had read the executive summary and that you --

A I know at a minimum I had read the executive summary. I can't honestly say if I've read the entire report, but I know I read the executive summary. And I read parts of it; I just don't know how much.

Q But you mentioned that you thought it was accurate, what you read.

A I did. Everything that I read in that report seemed to be an accurate assessment of what I understood.

Q And did you know that General Ham was interviewed by the ARB?

A I did.

Q And he was your commander at the time. You --

A That's correct.

Q -- reported to him?

A Uh-huh.

Q Do you think if General Ham felt that there was a gap or something that he couldn't address, he could've recommended that they speak with you?

A He could surely recommend, you know, whatever he would like. I mean, that's a question you should probably ask him. I do know that he was interviewed. We never had a conversation about whether I should be interviewed or whether I would be interviewed. It just never came up. I --

Q There was some discussion about assets in the AFRICOM AOR, and I think my colleague asked you about numbers of rotary, fixed-wing, civilian, different capabilities in your AOR.

A Uh-huh.

Q And do you recall precise numbers that were in your AOR --

A No.

Q -- on September 11th, 2012?

A No, ma'am. I don't. I couldn't tell you precise numbers.

Q You were just talking about capabilities that you were generally aware of that --

A Yes.

Q -- happened in the AOR.

A Yes.

Q But in terms of, like, whether they were there on September 11th, 2012, you can't say with certainty.

A I do not have a -- I cannot recall specific numbers on that night. No, ma'am.

Q In your prior testimony, you mentioned -- and I think you may have mentioned it today, as well -- that the other request that AFRICOM received that night was for medevac. Is that correct?

A What I recall that I was asked earlier and my testimony today is, you know -- and I think it was kind of when did I get a specific request for medevac. And I tried to convey in my answer, I don't remember that there was, like, a specific moment and a specific request. It became part of the conversation of that there were wounded and there would clearly be an expectation that we had to do that.

And that was part of the ongoing conversation. I don't remember, like, a specific moment where someone said, "We formally request medevac." I don't recall there was a moment like that.

Q Right. So would that decision generating that essentially be based on the situation on the ground, your understanding of the situation on the ground, and that the medevac --

A Yes, ma'am. It was very clear to our staff that we would need that capability.

Q There was some discussion about the term "prepare to deploy" and an "execute order," and I just wanted to ask you a couple questions about that.

Would a lack of an execute order, or did a lack of an execute order on the night of the attacks ever slow down your forces?

A No.

Mr. Kenny. And, Admiral, just following up on my colleague's question here, the way that we understand the way you described a prepare-to-deploy order for us, it sounded like those particular units would do everything necessary to be in a position to deploy short of actually deploying. Is that a fair way to describe a prepare-to-deploy order?

Admiral Leidig. That's correct.

Mr. Kenny. Okay.

And we talked a little bit about the prepare-to-deploy orders that were issued on the night of the attacks and conveyed to you through General Ham. And I'd just like to understand the sequence of events, the way that these orders typically come down, even in some sort of crisis planning situation.

But you were asked a specific question about whether there was an execute order on the night of the attacks to insert forces into Libya, and I'd indicated in my notes that you said no to that question. But the question that I have based on that is whether or not an EXORD, whether that requires forces or whether forces would be in a position to execute permission before an EXORD is itself issued?

So, in other words, there's a prepare-to-deploy order, as we understand it, from the night of the attacks. And, at that time, I think the way that you're describing how forces were beginning to mobilize, prepare, that those forces weren't yet in a position where they could, in fact, execute. Is that a fair assessment?

Admiral Leidig. So I think there were a couple questions in

there. The first one you asked is do you have to have all the forces in order to even get an execute order.

An execute order would list all the forces that were required to do the mission in the execute order. They may or may not be there or immediately available, but the execute order also contains a time of when to execute the mission. And so it may be that I get an execute order but I'm not actually executing for several for more days, in some cases, you know, not in a crisis, but in several more days, and the forces would come together to be ready to do that.

So that was one of the questions you asked early on. And this one, you asked did we have to wait until we had the forces in order to be told to execute the order. The answer to that question is it just depends on the mission. If the mission is to take a team of Marines and put them into Benghazi, an execute order could be issued, but it would have to have a time that made sense so that we could be assured that all the forces would be ready to execute at that moment. Because the execute order could be part of a much more comprehensive plan that requires multiple forces from different places to show up.

So the answer is -- could you issue an execute order? You can, but it has to make -- the timing of the order has to make sense so that you can actually execute it.

In this case, even, again, we could see from the email trail, where we wanted to insert the FAST team in particular was beginning to slowly change during the evening as we understood the events that were happening.

Ms. Green. Exactly. So it was based on the situation on the ground.

Admiral Leidig. Right.

Ms. Green. And, of course, we know we had the Tripoli team that came --

Admiral Leidig. Right.

Ms. Green. -- into Benghazi.

Admiral Leidig. But the absence of an execute order doesn't hold anything up. I mean, you're still moving to get to the point where you're ready to execute the mission. If I got to the point where there were C-130s on the deck at Rota and the Marines were loaded into the back of the plane, which is something we would be doing as part of prepare to deploy, I would know.

Once the C-130s launch from Germany and they're inbound, I can very accurately predict when they'll be on the ground and how long it will take to load the Marines, and I can call the Joint Staff and say, "Issue the execute order because they're going to be on the ground."

The other thing -- you know, I mean, I'm just trying to give some example; maybe they're helpful or not -- but gave you the example of the mission to Khartoum. We actually put the guys on the plane and flew up to the border and circled. So there is time in there to do all these things.

So maybe I'm answering the wrong question, but the lack of an execute order doesn't hold anything up.

Mr. Kenny. Okay.

Admiral Leidig. It just is the final order that says execute the mission.

Mr. Kenny. And just to tie your response there with my colleague's comments, so the lack of the execute order on the night of the attack, if I hear you correctly, it sounds like that was driven by developments on the ground.

For instance, you referenced earlier the retrograde of all personnel from Benghazi to Tripoli or plans to that effect. It sounds like, once those plans were set in place, that that then affected whether or not there would be an executable mission in Benghazi. Is that fair?

Admiral Leidig. That's correct. Conditions on the ground caused us to continuously evaluate it. And what we're trying to decide at AFRICOM, along with EUCOM and the Joint Staff, is, you know, where are we actually going to insert that force. And as the conditions on the ground change, we continue to change our assessment of where they could best be utilized. Once a decision is made to insert them, then the execute order would be given.

And so, again, you could be given an execute order without the plane actually being there in Rota. The execute order could actually have language in it that essentially said, as soon as the planes and the forces are available, you know, as soon as possible, send them to Tripoli or Benghazi.

And so the orders have flexibility built in them, the way they're worded, the way the timing is set up, the way the forces are assigned.

There's a lot of flexibility in there.

BY MS. GREEN:

Q My colleague seemed to imply that, because the Marines had to change uniforms, that that might have delayed them in their response. And you spoke to that a little bit.

A No, that didn't delay at all, because the aircraft, you know -- we were getting the aircraft there.

Now, I can't tell you the exact timing between the aircraft and the uniforms and the civilian clothes. But remember, at this point, they're going in there to provide security for the Embassy. The Embassy in Tripoli is not under attack.

Q Right.

A It's not being directly threatened. This is a precautionary deployment because we're concerned about the security of their --

Q And so this was not an in extremis situation. It was more of a deliberate --

A It surely was not in extremis.

Q Yeah.

A And we also recognized that it's an embassy a little bit in disarray because the Ambassador's no longer there. We're uncomfortable with Marines deploying in civilian clothes, but we also understand the State Department's side of it and why they are making that request.

It's important to get that right. And so that decision was passed

up to the Department of Defense and the Department of State to make sure it was adjudicated properly. Once the decision was made for civilian clothes, then we executed.

Q This committee actually had an opportunity to interview that young Marine who led the FAST team into Tripoli.

A Okay.

Q And he also explained that they did go in and out of uniform on the plane, but he said absolutely not did it ever slow them down.

A Okay.

Q There's been some criticism directed to the Department of Defense and AFRICOM for sending forces to an intermediate staging base. And we spoke about that a little bit in the last hour.

General Dempsey testified to the House Armed Services Committee on October 10th, 2013, that, quote, "because threat streams increased in a number of locations simultaneously, we postured our forces to respond regionally as well as specifically to the events in Libya," end quote.

And in your prior testimony, sir, you stated, quote, "Sigonella was picked for that specific location because if you look at where Sigonella is, it is central in the Med. It is quickly deployable to Cairo if needed, to backup Central Command, to Libya, to Tunisia. Anyplace in Northern Africa they can get to from there," end quote.

So I would just like if you could just explain to us why that was useful, to have forces at an intermediate staging base.

A Well, again, I mean, I can repeat the testimony I gave. If

you look at a map of the Mediterranean, it is so centrally located. And not only can they deploy everywhere to Northern Africa, they can reach parts of the CENTCOM there where they can still cover all the EUCOM AOR in the Middle East. And so there's not a better place.

In addition, Sigonella is an airfield that's shared by the United States Navy and it's a NATO base. And so it's a very secure and it's actually a good-size facility, and so it has the ability to take these forces. There were other locations that you could have considered for that, but I don't think any of them would have been as optimum as Sigonella.

I was asked previously about who made the decision to do that. From my perspective, it came from, you know, the Secretary and the Chairman and my boss that that was the right location. But I 100-percent agreed with it. That was the perfect location. We had experience with that. We had experience operating out of there with the host nation, Italy. And so, for me, it made perfect sense. You know, I can't think of a better location even to this day where we would've, you know, staged them at a base.

Q There have been questions raised about whether there was a delay to the military response because folks were waiting for country clearances. And you spoke to that a little bit.

My colleagues pointed to what they marked as exhibit 1, an email with yourself, Admiral Tidd, and others, to somehow suggest that the DOD was slowing its response. And if you could turn to that second page, page 2, the last sentence in Vice Admiral Tidd's email says,

quote, "Consider this authorization to move, we will follow up with depords asap," end quote.

Is it fair to say this is all you needed to move forces, that you were not waiting for anything?

A I was never waiting for anything. When this is -- let me read the -- I hadn't read that last sentence. I've got to make sure I read it in the context of this message here.

Yeah, I mean, from my perspective, this is consistent with what I understood of that email. This was -- the intent was very clear. The only thing we were waiting for was to marry the aircraft up with the FAST platoon and we were going to move them.

And, again, there is nothing that prevents you from -- that would've been nothing in this case to prevent us -- even if we didn't have the country clearance, I'm sure we would've talked to the Joint Staff to say, well, at least let's get them in the air and flying in that direction while we continue to negotiate it.

But I'm telling you, in this deployment, there was never an issue with a country clearance. There just wasn't. It never became an issue. You have to ask, it's routine to ask, but it was never a problem. It never held up anything.

Q That's consistent with what we've heard from other witnesses, sir. And the Secretary of Defense explained really that the country clearance can be obtained sort of in parallel with moving the forces.

A That's correct.

Q If you look up to that middle paragraph, "SECDEF has directed FAST to make all preps to deploy," the last sentence of that paragraph reads, quote, "Embassy making efforts to move all AMCITS" -- American citizens --

A Uh-huh.

Q -- "from SAO Compound Benghazi to Tripoli, possibly using same Comm Air that 5-pax team arrived on," end quote.

So it appears at the time of this email that a decision had already been made to evacuate everyone from Benghazi to Tripoli. Is that correct?

A That's what I've stated consistently through my --

Q Right.

A -- testimony, is that all the communications coming out of the Annex that night were, "We want to get to the Benghazi airfield and get to Tripoli and get out." And that was the focus.

Q And so certainly it would not make sense to send U.S. forces to Benghazi if everyone had evacuated. Is that correct?

A There would be no reason to send forces to Benghazi once everybody's left.

Q The second-to-last paragraph there, the last sentence says, from Admiral Tidd, quote, "But the point is to get the Marines on the ground securing the embassy in Tripoli as rapidly as we can move them," end quote.

So this does not appear to be in any way indicating forces would slow down, right?

A No, it was very clear to me as soon as the aircraft got there and got loaded up we were going to put them on the plane and fly them to Tripoli. And I had every confidence we'd get the clearance. We had been working with the country of Libya since the war was over. Again, there was never a doubt that they were going to would let our forces come in to provide security for the Embassy.

Q There have been congressional and public questions, including from my colleagues today, about why military assets were not used from the U.S. military base in Souda Bay.

The Chairman of the Joint Chiefs of Staff, General Martin Dempsey, testified before the Senate Armed Services Committee on February 7th, 2013, that the military asset in Souda Bay, Crete, quote, "wasn't the right tool for the particular threat we faced. The aircraft were not among the forces that we had at heightened alert. And boots-on-the-ground capabilities that DOD deployed would've arrived too late, so they did not deploy to Benghazi."

Do you agree with General Dempsey's assessment?

A I'm not sure what forces he's referring to in Souda Bay. I don't have any recollection of what forces were in Souda Bay that night. I don't recall ever having a conversation about moving forces from Souda Bay.

Q I think my colleagues were talking about a U-28, an aircraft that you weren't particularly familiar with.

A Right. Once it was described, I'm familiar with that type of aircraft. Again, I wasn't aware that there was a U-28 in Souda Bay

that night. It never came up to me as an option.

I mean, I would add, though, that I agree with the Chairman's assessment that an aircraft of that type would've had little utility. But, again, I wasn't aware that it was there, and it was never presented to me as an option.

Mr. Kenny. And we appreciate the clarification, sir. The Chairman at the time was testifying in open session, so he may have been limited or circumscribed in his ability to describe that particular asset in Souda Bay.

But could you just explain for us further your comment you just made a moment ago, that that specific platform would have limited utility, in your view as the deputy commander?

Admiral Leidig. Well, again, I've heard it referred to as U-28. I don't recall exactly what a U-28 is. But a small air force aircraft (REDACTED) that would not have been an option in the middle of the night, without knowing specifically -- in an urban area, without knowing the specific location of the Annex where all the forces were, without knowing a specific target, without knowing the threat environment of that aircraft. It can't protect itself. There would have been a variety of reasons why a single aircraft, prop-driven, flying across the Mediterranean to conduct a mission in the middle of the night in Benghazi would make no sense.

BY MS. GREEN:

Q As well as not knowing where the Ambassador was that night.

A We did not know where the Ambassador was.

Q The gentleman who flew the C-17 medevac out of Ramstein has been on Fox News, and he's made a number of allegations about the night of the attack. And we actually had the opportunity to interview him on this committee. One of things he says is that he could've gotten down there easily to Benghazi. "If they would have called, we certainly could have gone there." He also suggested that he didn't know why he wasn't on a more heightened alert posture.

What do you make of those types of allegations?

A I don't know who the pilot is. I don't know what his experience is. I don't know what job he held.

I know that we made the request at the appropriate staff levels. We got complete support from TRANSCOM, EUCOM, USAFE, and other organizations to have an aircraft made ready and deployed. I think it's fairly remarkable that we got the aircraft configured with the right medical staff on board, with the right internal configuration, down to Tripoli. And we saved lives that day, and that's well-documented.

And I can't really respond to, you know, his allegations.

Q I understand. We've had the opportunity to visit with TRANSCOM about this, and they've clarified a lot of this for us.

The Air Force Reserve major who flew that flight is now retired. He suggested that he could've gone directly to Benghazi and essentially gotten everyone out. Given the threat environment and how long it might take him to get there, would that have been a viable option?

A I'm going to try to answer this as clearly as I can. I don't

know where the major was or what he was doing that night, all right? But to get a C-17 ready, with the medical capability and the configuration required to medevac the type of injuries that we had, we had the most senior people in the military around the globe working on it.

For the major to suggest that he could somehow do it better than three significant staffs is incredulous to me. You often find that officers operating at the tactical level have little understanding of the larger requirements to deploy an aircraft. So, again, I find his claims to be largely without credibility.

Mr. Kenny. Just one more thing, sir. You'd mentioned earlier that -- and maybe within this same topic, but you described what you viewed as potential hurdles that you encountered on the evening of the attacks. And one of those I think you described was quickly resolved, and it related to TRANSCOM. Did that particular hurdle, did that relate to the availability of a C-17 for a medevac capability?

Admiral Leidig. When you move a C-17 and particularly move it across a combatant commander capability, these are assets that belong to TRANSCOM; they simply have to be part of the approval process for the mission. And so it was a matter of simply going to TRANSCOM and getting permission to do that.

What I recall that night was is we were having conversations with the EUCOM staff and USAFE because the C-17 was on the deck at Ramstein Air Force Base. And then it was brought to me as part of the stepping process, "We need to coordinate this with TRANSCOM in order to move

that aircraft." And I remember saying, "Yeah, that's right. Okay. Go coordinate it with TRANSCOM." And it was coordinated.

So that was happening in parallel with recalling air crew, recalling doctors and medical staff, reconfiguring the plane and gassing it up, and doing the mission briefs and all the other things. It was just part of several things that were happening in parallel. It never held up the deployment of that aircraft 1 minute.

Mr. Kenny. Thank you, sir.

BY MS. GREEN:

Q You were asked during your prior testimony if you or anyone in your command had received an order from Secretary Clinton to stand down on the night of the attacks. And you responded that, quote, "I never received any orders from the Secretary of State or heard of other orders from the Secretary of State," end quote.

Secretary Panetta told this committee that, quote, "the only person that could contradict my orders would be the President of the United States," end quote.

Did the President ever tell you or anyone in your command or anyone at Department of Defense, to your knowledge, to stand down or slow the military's response?

A No, he did not.

Q Did the Secretary of State, to your knowledge, ever tell the Secretary of Defense to stand down or slow down the response?

A No, she did not.

Q Did anyone ever tell you to stand down or slow the military's

response?

A No.

Q Another of the sort of stand-down myths that are surrounding the Benghazi attacks relates to four U.S. military personnel in Tripoli who sought to join the fight in Benghazi.

The Republican-led report from the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote. That same finding was made by the bipartisan Senate Select Committee on Intelligence in January of 2014.

The four-person Special Forces team and their chain of command have explained to Congress that they were not ordered to stand down but, rather, they were ordered to remain in Tripoli to assist those being evacuated on the night of the attack.

Are you aware of the allegation?

A I am.

Q Were these gentlemen told to stand down on the night of the attacks?

A As I said in my previous testimony, I was not aware of any of those conversations that evening. I only learned about those discussions and those allegations after the event.

Q You spoke in the first couple of hours about all of the sort of complicated things that are required to spin up a fighter aircraft.

And aside from whether there were any aircrafts on alert and ready to go that night, General Ham has testified at least seven times, I

believe, before Congress on the Benghazi attacks. During one of his briefings to the House Armed Services Committee, on June 26th, 2013, he made clear three things: that he gave a lot of thought to the use of close air support; that he understood it was his responsibility as the commander of AFRICOM to make the final decision about close air support; and that, in his military judgment, close air support was not the appropriate tool in that situation.

Did you agree with General Ham's decision?

A Him and I had different views that night, in the sense that those options weren't available to me. So General Ham's discussion, from my perspective, is purely hypothetical. We made the assessment that none of those aircraft were available that evening on Benghazi, and so again, I didn't spend much time in discussion about what they could or couldn't do. It became very clear after some very early assessments that they were not going to be available, and so I fundamentally didn't make those assessments.

But I don't disagree with General Ham's comments. But he was involved in a different thought process. He was thinking about potential courses of action. I had already discounted that course of action because the forces weren't available and weren't going to be available that day.

BY MR. KENNY:

Q So, sir, in that discussion in the last hour, you'd written something -- I found it particularly poignant in my notes -- where you wrote that you dealt in the world of "what is," not "what ifs."

And you said that in the context of the F-16s, but if we hear you correctly, it sounds like you were describing the general sense that night, not just with respect to that particular asset but with any asset that was under consideration. Is that fair?

A Right. There were different staffs in this crisis that are making different evaluations and assessments. So General Ham in Washington, D.C., talking to the Secretary and the Chairman, would be making different assessments than I was because I was involved in the crisis. What I'm trying to do is find immediate courses of action where forces are available that can have the affect that I want and they'll be able to execute a mission in order to achieve it.

There is much more going on than just having a conversation about F-16s. You know, from my perspective, there's a missing ambassador. We later learned the communicator's dead. There are people that are wounded. And then there's a subsequent mortar attack. As you might imagine, when you're in the command center directing actions in response to that crisis, you really are in the "what is" and what can actually be done, spending less time in "what ifs."

I still do a little bit of "what ifs" in that crisis action center, but the ones that turn out to be not executable, I have to move on to the next thing. And that's what I found myself doing that night. Is this possible? If it's not and the forces aren't available, I've got to move on to an option that's ready to execute. Those are the options I've got to be able to present to my seniors.

Q And it sounds like, if I understand you correctly, there

are some opportunities costs that are associated with devoting your time to discussing and assessing courses of action that may not be available to you.

A Right. There's an opportunity cost because I'm one person. Now, there's a staff -- I mean, please don't misunderstand. My staff continues to look at all the what-ifs. I have people in separate rooms that are discussing those.

But when it comes time to bring options to me, all those options are presented to me very quickly, I'm told which ones are executable, which ones the forces are available, what are feasible, what are reasonable, and all kinds of criteria. But then I have to narrow it down to the ones that are actually executable and provide real options in the moment of the crisis.

BY MS. GREEN:

Q Admiral Leidig, in reviewing your prior testimony and hearing you again today, you clearly did everything possible to move personnel in a timely way.

Have you ever come across any indication that any of your staff or anyone else at the Department had any less of an imperative than you clearly had to move and rescue our people?

A No. Everyone at the AFRICOM staff and everyone I worked with on the EUCOM, TRANSCOM, Joint Staff, OSD staff, you name it, everybody was working as hard as they could to try to, you know, provide the forces that we could to assist the people on the ground there. That's all we lived for that night.

Q And in addition to the time it takes to gear up and mobilize resources, which you were doing that evening, it also takes time to figure out what the facts are on the ground so that you're not rushing into a situation where you either can't be of assistance or other people are killed. Is that accurate?

A That is accurate. Again, I think I stated in my testimony that much of the information you receive in a crisis -- this is the classic fog of war -- that most of the information you receive is time late, whether it's 30 minutes late, an hour late, or 2 hours late, and it's always imperfect.

But military commanders are trained to make decisions with imperfect information. But there was a lot of imperfect information that night. We went from the Ambassador's safe to the Ambassador killed. And there is a whole series of where the initial report was wrong. And you have to work your way through all of those.

And so we're trying to deal with that imperfect information. And, as I explained, there is a rather tortuous path for how the information flowed for the first several hours. Until our two special operators got on the ground somewhere around 2 o'clock that night, we were not receiving any direct reports from anybody in Benghazi. All that information was being passed back to some other agency in their chain of command and then making it to us second- and thirdhand. So that makes it challenging in a crisis.

Q You mentioned, I think, that you had access to the Predator feed that night?

A Yes.

Q Our colleagues have requested a copy of that, and I would just like to ask you if you think that viewing that would somehow be illustrative or provide us additional insights into what happened that night.

A I've seen the Predator feed live that night in our command center and I've seen it later when it was analyzed. I don't think it provides any significant value. I will tell you, from my perspective, I recall seeing one thing on the Predator feed of any value that night. It helped us locate the facility where the Ambassador was because we could see fires that night.

When we moved the Predator to try to look at where we thought the Annex was, we never saw anything realtime. It's in the middle of the night, it's completely black, and without a specific target. Later, when I saw that the video had been enhanced and time-marked down to the specific event, I saw some analysts from the agency point to a very quick dot of white light and says, "That was the mortar." You would've never even seen that realtime.

And so, if you looked at the video, my recollection of looking at the video after the analysis was done, someone will show you that this Predator was overhead at the Annex and that you can see a little quick dot of white light, and that was a mortar, and then another quick dot of white light. And I think there were, like, two or three white lights that were seen. And that's it. That's my recollection of the enhanced video after all the analysis was done.

Mr. Kenny. And how about the small-arm fire that was occurring outside the Annex? Some people seem to suggest that, because a Predator was overhead the Annex, that viewing this footage in realtime would've been able to determine points of origin and seeing that there was some sort of firefight underway. Was that your sense in viewing the footage?

Admiral Leidig. I saw the video. I don't recall anybody ever pointing at the video and saying, "There's instances of small fire." My recollection is the only thing -- fires at the Temporary Mission Facility and then some quick brief flashes that someone analyzed and said that was a mortar fire. I would've never known it was mortar fire. Nobody that night knew it was. We never saw any small-arms fire on the Predator feed that night.

BY MS. GREEN:

Q Admiral, this is now the eighth congressional investigation into the Benghazi attacks, and we want to make sure it's the last. We are therefore asking every witness a series of questions from, like, public allegations that have been made.

A Okay.

Q While anyone can speculate about the Benghazi attacks, only a limited universe of people have actual knowledge or evidence of what happened before, during, and after the attacks. So what I'm asking here is not for your opinion but just whether you have firsthand information. And if you do not, we will simply move on to the next allegation.

There are more than a dozen, so --

A I understand.

Q -- please bear with me.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down, and this resulted in the Defense Department not sending more assets to help in Benghazi."

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instructions on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed

from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but, instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents that were provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Mike Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador

Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy them?

A No.

Ms. Green. We can go off the record.

[Recess.]

[4:08 p.m.]

BY MR. TOLAR:

Q Sir, just to be clear, was there ever a request for military support to AFRICOM by the State Department other than the medevac?

A The way you phrased that question is you're -- implicit in there is you're saying the State Department asked for a medevac, right?

Q Well --

A That the State Department never made any request to AFRICOM for any military assistance that night. The only request that finally came in was then ultimately for security at the Embassy in Tripoli. That's the only request from State Department.

Q Other than the FAST team going to the Tripoli Embassy, was there any other request from State Department to AFRICOM that you're aware of?

A No.

Q Perfect. And you kind of alluded to this earlier, but just -- you said something about the best information was coming from the DAT. Could you just flesh that out for me for a second?

A Right. So our defense attache, you stated his name, Lieutenant Colonel --

Q (REDACTED)

A (REDACTED) Thank you. He was an experienced African expert and had been down in Tripoli for a while, and so he was very experienced. He had good contacts within our command, and he was well respected and had access to Ambassador Stevens, and so he was a great

source of information. And so, during that evening, he frequently would call into our command center. He had the phone number, and he would call in with information. I suspect that he was calling in at least hourly, if not more frequently, throughout the entire evening. And his information -- because of his experience, he could translate what he was hearing and seeing to, one, condense it and make it very clear, but, two, he could also put it in terms that a military staff would better understand. So information that came from (REDACTED) was information that we could assign a high degree of confidence to when we received it.

Q Was there a better source of information than the DAT, in your opinion?

A From the Embassy?

Q Yes, sir.

A No. He was absolutely the best.

Q Okay. Given the fact that AFRICOM didn't really own any assets, did you have the authority to move anything prior to the execute order?

A Well, we did have command of the Predator, and so we were able to move that, and then the other Predator that came in to relieve it. No. All the other assets, then, were ones that we would have to coordinate with other combatant commands.

Q But just to be clear, you didn't have the authority to move the FAST or the CIF (REDACTED) until they were chopped to you and were going into the AFRICOM AOR. Is that correct?

A That's correct.

Q You had no authority to move them, to preposition, or anything else. Is that correct?

A The forces that we've discussed, (REDACTED) FAST, the CIF, the C-17s, I did not have the authority at Africa Command to move any of those forces.

Q And once the execute order is issued, how is that disseminated? Does it go to you, and then you disseminate it to EUCOM, who owns those assets, or how does that work?

A It would be everyone --

Q How did it work that night?

A Those orders are communicated simultaneously to all the commands.

Q Okay.

A And then the way the orders -- just to make clear, the orders, then, have specific -- embedded inside the order would have specific guidance for each combatant commander. So they would -- we would all get them at the same time.

Q So on the -- the DOD's timeline, I know you have -- I think you referenced you may have seen it, but anyway, for what it's worth, it says at 6:05 a.m., your time, AFRICOM ordered the C-17 aircraft in Germany to prepare to deploy to Libya.

Did you give that order to EUCOM to do that? I mean, that's why -- knowing you don't have -- you don't technically have the authority to do that, so --

A No. I -- to be honest, I wouldn't technically give an order to a C-17 to prepare to deploy --

Q All right.

A -- but we would be part of the process with TRANSCOM. TRANSCOM was the combatant command that had operational command of those aircraft. They would give the order to the aircraft, but it would be coordinated with us and EUCOM.

Q But this is a Prepare to Deploy Order at 6:05 a.m. after the mortars go off. I kind of was under the impression that that C-17 had been ordered to prepare to deploy long before that, or is that not the case, or do you know?

A We had given clear guidance earlier in the evening to get a C-17 to prepare to deploy with a medical team onboard. I honestly can't -- I'm looking at this at -- you're referencing the time at 6:05. I don't know exactly what that's referring to, but it wouldn't be U.S. Africa Command issuing an execute order to a C-17 aircraft.

Q The C-130 that picked up the FAST team, according to the FAST platoon commander that day, he said it arrived about 1300, left about 1700. They were going back and forth with uniforms, but my point is this: that plane's on the deck at Rota. It's got the marines on board. Does he need -- who's going to give that pilot the execute order to fly to Tripoli? Does he already have it at that point? Is he waiting on that? Do you know? When he left Ramstein, did he already have the execute order, get down there and pick them up, and you can go to Tripoli? Do you know the answer to that?

A What I don't know is the exact timing.

Q Not worried about the timing --

A Right.

Q -- per se. It's more about -- so he -- when he leaves Ramstein, does he have the execute order to go into Tripoli?

A Again, I don't know when the actual execute order was issued. I don't have the order nor the timing of the VOCO.

Q Right.

A He would have known commander's intent.

Q Check.

A He was still a EUCOM asset --

Q Check.

A -- at that point to get to Rota. The execute order would be -- as I said before, could have either given a time or a COCOM boundary when he would have chopped to our operational command, but, again, the execute order is given to all the combatant commands. That would be coordinated inside the commands, so that's not -- it's -- from my perspective, it's not a -- it's not -- it's not a significant issue. It's -- from my perspective, it's not an issue. When the order's given to -- and the authority's given for him to go to Tripoli, the order will be very clear about when he changes combatant commands, commanders, and how the mission is to be executed. I -- but I don't recall the timing of that order that day.

Q And is it fair to say that, given the fact that the FAST team was going from Rota to Tripoli and it wasn't an in-extremis

situation -- I'll withdraw that.

And I think you did mention earlier that it was some time after the mortar attack that you recall the execute order was given for the FAST platoon and the CIF. Is that accurate? Or the medevac. Excuse me. The medevac C-17 and the FAST platoon, it's your recollection that that order -- execute order would have occurred after the mortar attack?

A Let me try to be a little more granular, maybe.

Q Sure.

A After the mortar attack, it became -- we received reports from the team on the ground at Benghazi that they had made contact with the militia, they now had the security, and they were going to get to the Benghazi Airfield. It was clear to me that there would be a C-130 come available along with the small -- or civilian aircraft and that they would get to Tripoli. And so it was after that mortar attack that it was clear that what we needed to do was get a C-17 into Tripoli.

Again, I can't tell you the exact timing of the execute order. And if you would recall, I would say, in crisis, more often than not, the order is given verbally to all those involved and then a paper -- a hard copy of the execute order is then provided, but we could be authorized at our -- at the combatant commander level to take a verbal order from the Secretary and the Chairman of the Joint Chiefs.

So I -- your question was about when we received the order. I can't tell you when exactly we received the order, if it was right after that or if it was later.

The same thing for the FAST. We've seen some of these emails. You can see that the commander's intent is absolutely clear. As soon as those marines are on the plane, we're going to fly them into Tripoli. When exactly was the execute order, I don't know.

Q And that's one of the outstanding questions, is they sat on the tarmac for 3 hours in the plane. We're not aware of any mechanical issues. The only issue we're aware of is the fact they had a change in and out of uniform. And it wasn't an in-extremis situation. It's almost like an admin move per se, but why were they waiting for 3 hours to take off if Admiral Tidd's guidance was ASAP? Do you have an opinion about that or --

A Well, I don't have an opinion, but I'll tell you my understanding of the situation.

Q Okay.

A It's the Ambassador that wants the marines to come provide security. Well, the Acting Ambassador, the DCM in this case. Right? He is in charge of the Embassy and what goes on there.

If the DCM in that case said, "I want them in civilian clothes," then we have to find a way to do that for him or get him to -- you know, to change his mind and let them come in there. So that conversation, that had to be resolved. If he was so concerned about the security, he wouldn't have made that point about the civilian clothes. He would have said, bring them in in full gear, you know, like they're going into combat. So the fact that he said, "I will provide the vehicles, I would like them to come in in civilian clothes, and I want them to

come in without creating a stir or any commotion with the militias," that -- in those days, the militias controlled the airports -- that gives you a sense, it gives me a sense that the sense of urgency could wait for a little bit while we resolve whether this is appropriate or not.

You should also understand in Marine culture and most soldiers, they don't deploy in civilian clothes. So this was an out-of-the-ordinary request, and so we wanted to make sure we got this right. And so that goes up the chain of command to get resolved.

If those 3 hours were so hugely important to the DCM on the ground, he would have said, "send them in uniforms and send them with guns and have them come in." The fact that he was willing to wait and talk about this and try to get that resolved, again, comes back to me that the sense of urgency wasn't so great that we couldn't afford to get that right. And in the end, I think we got it right. We got it right for the Ambassador, and we found a way to do it with our marines.

Q Helpful. Thank you.

Looking back on the events at Benghazi, is there anything that, in hindsight, 20/20, anything that you think could have been, should have been done differently from your perspective at AFRICOM or EUCOM or anywhere else?

A We think we did everything possible as the U.S. military that night to do the best we could to help those men on the ground. I just have to, you know, kind of say it out loud. There's nobody in the military that wouldn't break their back and do anything they could

that night to try to help those men out on the ground there. We did everything we possibly could.

Q As we continue to look at this, is there anything that you'd like to share with the committee that you think we ought to be aware of that, look into, or something you think we should know?

A No.

Q Is there anyone that you believe it would behoove the committee to speak with?

A Well, from my perspective, and I'm not sure if you've talked to him yet or not, but Admiral Landolt on my staff was key that night, and then, from my perspective, Admiral Tidd. Those were the two that I spent the most time talking about, that they probably have some information to add. You know, their perspective was just slightly different than mine, but those are the only two that come to mind.

Q Okay.

Mr. Tolar. Shannon?

Ms. Green. Just a couple of quick questions.

BY MS. GREEN:

Q Referring back to exhibit 1. Do you still have that? My colleague asked you, sir, whether you had, quote, "technical authority to move assets." And on that second page there, it clearly is discussing support to AFRICOM. And in the middle of the page, it says: "AFRICOM will be the supported commander, all others supporting."

A Uh-huh.

Q So is it fair to say that whether you had technical authority

to order an asset to move, that never slowed down the forces that night?

A No. Absolutely. That's the intent of that paragraph. It says: All you other guys better be doing everything you can to help U.S. Africa Command, and so you have the authority to actually tell those things to move; you better tell them to move.

Q And so it's not like there's something wrong with the process that you didn't have technical authority to move an asset in EUCOM?

A No. This is absolutely the way the military works in the -- with our joint geographic commands. Everybody understands that completely.

BY MR. KENNY:

Q Sir, just again sticking with exhibit 1 here, you were asked just a few moments ago by our colleagues whether the State Department had ever made a request for military assistance in Libya on the night of the attacks. And something I would just like to understand with reference to exhibit 1, here it's -- it appears clear to us the Secretary of Defense, SECDEF is directing deployment of certain forces. I think you'd indicated also that the President himself had directed deployment of certain assets that would require a higher level authority.

A I never specifically said that the President directed anything.

Q Okay. That's --

A (REDACTED) but I don't know anything that the President was

involved in that evening.

Q Okay. Well, the -- as we know --

A But that would be -- from my perspective, that would mean the Secretary of Defense had made sure that -- and I'm sure that the President was informed, but I wasn't aware of any conversations with the President.

Q Okay. (REDACTED)

A Right.

Q So you infer from that that the President had granted his permission for that particular force to be deployed?

A I would infer that he did, but I don't have specific knowledge that he did.

Q No. I understand.

We've heard a theme developed over the course of some previous interviews about this notion of pushing versus pulling --

A Uh-huh.

Q -- and the notion of the State Department making specific requests for specific military assets. I'd just like to understand, here the discussion appears to be DOD pushing forces forward into theater. Is that a fair way to read --

A Yes, but I can tell from this email chain, not -- I mean, it's the first time I've seen it, that -- that was brought up previously -- that there was a deputy's meeting, so that's the interagency meeting at the deputies level to make sure these efforts are coordinated. And then I can see on the very beginning of the email

that says the vice called Denis. And so unless you tell me otherwise, that's the vice chairman talking to Denis McDonough.

Q Uh-huh.

A And so you can be pretty well assured that at the most senior levels of government, people are talking about this.

Q And do you see anywhere here, sir, a discussion about waiting for the State Department to make some sort of request to the Department of Defense to deploy these assets?

A I -- there was never any discussion about waiting for State Department to make a request. We were --

Q Okay.

A We were moving military forces as fast as we could to get them in position to respond whenever, wherever they could and wherever they were needed.

Q And that's helpful, sir. I think that's -- what we're trying to get a sense of is whether decisionmakers, such as yourself, on the night of the attacks were sitting around waiting for the State Department to make specific requests.

A Absolutely not.

Mr. Kenny. Okay. Thank you.

Ms. Green. That's all we have.

BY MR. TOLAR:

Q One last thing just for my own edification. (REDACTED) when they get in your AOR, are they on autopilot, for all intents and purposes? I mean, do they come up with their own plan how they're going

to execute, and they just keep you informed kind of thing?

A No. Autopilot would not be a good description.

Q All right.

A (REDACTED) He does nothing without my four-star Commander's permission.

Q Perfect.

Mr. Tolar. Sir, on behalf of the committee, I want to thank you for your time today. Appreciate your service. Appreciate Ms. Leidig's service. I know she's sacrificed a lot through the years, which I recognize. And thank you, again. Have a safe trip home.

Admiral Leidig. Thank you very much.

Mr. Tolar. Much obliged.

We're off the record.

[Whereupon, at 4:26 p.m., the interview was concluded.]

EXHIBIT 1

This exhibit was not cleared for public release.

**INTERVIEW OF
DIPLOMATIC SECURITY AGENT #29**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 28, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
PETER KENNY, *Minority Senior Counsel*
RONAK DESAI, *Minority Counsel*
ERIN O'BRIEN, *Minority Detailee*

FOR THE U.S. DEPARTMENT OF STATE

AUSTIN EVERS, *Senior Advisor*
RAEKA SAFAI, *Esq.*
ALISON R. WELCHER, *Attorney-Advisor*

Ms. Jackson. This is a transcribed interview of [REDACTED] conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and matters related to it pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Special Agent [REDACTED], could we have your full name for the record, please?

Mr. [REDACTED]. [REDACTED].

Ms. Jackson. Thank you. We appreciate your appearance today. We appreciate your willingness to come in and talk to us about your experience in Benghazi and issues related to that.

As I introduced myself before, my name is Sharon Jackson. I am one of the counsels with the committee's majority staff.

So that we have a record of who is here today, we're going to have everyone introduce themselves, and I'll start with my colleague to my right.

Ms. Betz. Kim Betz with the majority staff.

Mr. Desai. Ronak Desai with the minority staff.

Ms. O'Brien. Erin O'Brien with the minority.

Mr. Evers. Austin Evers, State Department.

Mr. Welcher. Alison Welcher, State Department.

Ms. Safai. Raeka Safai, AFSA.

Ms. Jackson. Before we begin with the questioning, I would like to go over the process that we follow and the ground rules that will

govern this interview today.

We are in an unclassified setting today -- well, we are starting in an unclassified setting today, and so the questions that are going to be posed to you, we believe will generate unclassified responses for you. This room has been swept.

We can go up to the secret level, but we will have to swap out equipment with the court reporters to go to that level. So if any questioning that I ask of you today that you think will go into a classified matter, please just alert us to that, and we'll reserve it and ask it when we can move into a classified portion of this session.

The way that questioning proceeds before this committee is generally I, perhaps Ms. Betz, will ask questions for up to an hour, and then we turn it over to our minority colleagues to do the same. Sometimes we deviate from that and we'll continue past an hour, but we'll do that by agreement of the parties.

It is important that you understand the questions that were posed to you, so if you have any confusion or you need clarification because it's a compound question or you didn't hear all of it, please ask us to restate the question so that we ensure that we're getting your best recollection of matters.

We also understand that we're going to ask you about events that happened well over 4 years ago, and so we understand that memories fade over time, things may not be as crystal clear as they were at the time. We have some documents that we're going to show you today to sort of ground you back into that area and might assist you in recalling certain

events.

But if you don't, we ask that you give us your best recollection of what happened, but if you don't remember something, please feel free to just tell us that you don't remember something. If you do know someone who might know the answer to the question, if you could direct us to that person, that would be very beneficial to the committee.

The one thing that the reporters will greatly appreciate is that we try not to talk over each other, and so I'm going to allow you to finish your answer before I ask my next question, and it would probably be best, to the best of your ability, to be able to do that too so that the reporter can make the official transcript of this interview today.

And as you see, we do have an official reporter who is taking down everything we say. We also need you to give us verbal responses to questions too. Just like you may have testified in either Magistrate or Federal District Court before, the same thing with a court reporter is the procedure here today.

You are welcome to confer with the counsel that is here with you today. You have AFSA counsel and the State Department lawyers. So if at any time you want to confer with them, we will go off the record, take a break, give you as long as you need to confer with them. So feel free to do that.

We also want to make this procedure as comfortable as possible. As you see, we have waters out. If you need coffee or tea or anything like that, please just let us know. We'll do that. If you need a break for any other reason, just let us know and we'll stop the clock.

Typically, we take a break after every hour of questioning and take a 10-, 15-minute break at that time before we resume. But, again, if you need a break before then, please just let us know.

Special Agent [REDACTED], do you understand that you are required to answer questions from Congress truthfully?

Mr. [REDACTED]. Yes.

Ms. Jackson. And do you understand that that also applies to questions that are posed to you by committee staff?

Mr. [REDACTED]. Yes.

Ms. Jackson. Do you understand that witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements? Do you understand that?

Mr. [REDACTED]. I do.

Ms. Jackson. Let me ask you this. Is there any reason you are unable to provide truthful answers to today's questions?

Mr. [REDACTED]. No.

Ms. Jackson. One other thing I just remembered I forgot. We are not bound by the rules of evidence here today, so we may ask you to give your impressions about something, your opinion about something, and that's allowable because we don't follow the rules of evidence here.

Similarly, we don't entertain objections to questions except for to privilege. And so you or your counsel can raise questions for privilege. That's subject to the chairman's review and determination as to whether it should be answered. If he determines it needs to be answered, you may be required to come back to answer that question in

a hearing and a deposition.

It's not been a problem that we have encountered, but those are the process rules that we follow, okay?

Mr. [REDACTED]. Okay.

Ms. Jackson. I think that's the end of my preamble. Anything from the minority?

Mr. Desai. I would just like to thank the witness for being here, and we look forward to your testimony.

Ms. Jackson. Do you have any questions for us before we get started?

Mr. [REDACTED]. No.

EXAMINATION

BY MS. JACKSON:

Q Well, Agent [REDACTED], tell us a little bit about yourself. How long have you been with the State Department and what have been your various assignments in the State Department?

A I first started with State in [REDACTED] 2009, [REDACTED] 2009. Beginning, we have about 6 months of training at the Federal Law Enforcement Training Center and then later at the Diplomatic Security Training Center.

My first assignment, I started in December of 2009 at the [REDACTED] field office. I was there until the summer of 2011, when I was recalled to military duty [REDACTED].

Then I returned to the Department in the summer of 2011, around June-July timeframe -- I'm sorry -- 2012, June-July timeframe, where

I went to our [REDACTED].

I was there until [REDACTED], where I was transferred to our [REDACTED]. I served there until I started my training in January of this year for my next assignment, [REDACTED].

Q And what did you do prior to joining the State Department?

A Most of my time was spent in the Marines. I was on Active Duty [REDACTED]. I got out of the Marine Corps, went into the Reserves. Went to graduate school in [REDACTED]. Finished graduate school. Got recalled back to the Marines. Went to Iraq [REDACTED].

And then moved back out here. Worked for [REDACTED] for a brief period until I started with the State Department in [REDACTED] 2009.

Q What did you get your advanced degree in, your graduate degree?

A International relations, [REDACTED].

Q Obviously we're here to talk to you about your experience in Benghazi, Libya, and, in fact, you were in Benghazi, were you not?

A Yes, I was.

Q And were you part of the team that entered with then-Envoy Stevens?

A I was.

Q How did you get selected for that assignment? Did you volunteer? Were you volunteered? How did that come to be?

A Now, the internal process as to why they called me, I can't

speak to, but I received a call from our ASAC -- I'm sorry, our assistant special agent in charge at the field office -- when I was at [REDACTED] FO, the [REDACTED] field office. It was on a Friday, and he called me and said, "[REDACTED], where are you?"

I was actually down doing reserve duty on Quantico and I told him where I was and he asked me if I was available for a 60-day, possibly longer, possibly shortly, temporary duty assignment to go to Benghazi, Libya, which I didn't know about at that time. But I said, "Sure, I'll go." And that's how it came about.

Q Had you been through the high-threat training course at the time?

A I had, yes.

Q Had you just finished that?

A I finished that in October-November 2010. So it had been about 6 months or so, maybe a little bit longer, since I had completed that course.

Q And did the assistant special agent in charge tell you any more about why he was -- he or she was selecting you to go?

A No.

Q Were you under any understanding that they needed high-threat trained agents to go?

A Yes, yes. I understood that was one of the qualifications to be considered.

Q What else did you learn about your -- well, let me take a step back first.

You said you learned about this on a Friday?

A Uh-huh.

Q Do you remember when that was?

A It was in March, probably early March, because usually drill weekends are the first weekend in March.

Q I'm sorry. What is?

A I'm sorry. Generally drill weekends for the Reserves are the first week in March -- weekend in March -- so it was probably around that timeframe.

Q And how long was it before you left the United States for this assignment?

A If I remember correctly, I left -- I departed the following Thursday.

Q So just under a week?

A Uh-huh.

Q During that time, what else did you learn about what the mission was to be in Benghazi?

A My understanding was that we were going to provide protection to an envoy who was going to be travelling to Benghazi, Libya.

Q And did you have any series of meetings or briefings in that week period of time here in Washington before you departed?

A Yes. I mean, that week was a whirlwind of activities, as I'm sure you can appreciate. So just getting with the team that would be going. They brought two agents down from our [REDACTED] field office

as well and one other colleague from the [REDACTED] field office. We had meetings with the Dignitary Protection Division, who was kind of in operational control of the effort.

Q Now, by operational control, you mean they were heading the effort, the security effort --

A Yes.

Q -- for the Envoy's trip?

A Yes.

Q Okay.

A And we talked with them about what kind of equipment we would need, travel arrangements, and things along those lines.

Q And who was the operational head that you're referring to?

A Oh, so [REDACTED] was the division chief of DP, we call it, at the time. And while he wasn't there -- while I didn't meet him at that time, [REDACTED] was going to be the agent in charge in Benghazi.

Q And was he here in Washington also helping in the planning for this mission?

A I don't believe he was. I think he had already left.

Q To go overseas?

A Yes.

Q Is it your understanding that he hooked up with Envoy Stevens?

A Yes.

Q And who else were you working with here in Washington? [REDACTED]

[REDACTED] was leading the effort, but you said there were agents from New

York, another agent from [REDACTED] FO?

A Yes.

Q Who else was in this planning cell, if you will?

A So the other agents, the agent from the [REDACTED] field office was [REDACTED], and then the agents from the [REDACTED] field office were [REDACTED] and [REDACTED]. And then we also worked with the operations coordinator for the Dignitary Protection unit named [REDACTED]. He helped us get weapons and arranged pouching, various equipment needs that we had.

Q Now, Mr. [REDACTED] and Mr. [REDACTED] did not go with you then into Libya?

A No, they did not.

Q But Mr. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] did?

A Yes, they did.

Q What was your first understanding of what was going to be the scope of the security detail for the Envoy?

A Between six to eight agents. I knew that there was going to be an agent in charge, the four that we were with, and probably also someone that we referred to as a shift leader, and potentially additional individuals to that. But in the beginning stages I only knew about those four, the four of us for sure, the shift lead, and the agent in charge.

Q And so was this smaller team meeting daily in Washington to plan out the trip?

A Yes. There were a lot of sundry tasks that we had to get

accomplished to get all our equipment and gear together and our personal lives in order for that short of departure.

Q Now, did others that were ultimate members of the team, did they join you in Washington or did you meet up with them elsewhere?

A There was an additional individual who went to Malta with us named I believe it was [REDACTED] from our Physical Security Division, but he did not end up going into Benghazi with us. He was in Malta for a brief time and then went back to D.C.

Q What was his role to be? Let me ask this. Was he originally planned to go into Libya with you?

A Yes, yes. His original role was to go in and do various physical security assessments for whatever sites we would pick to stay.

Q But then he ultimately did not go with you into Benghazi?

A Correct.

Q And do you know why that was?

A No.

Q You said the team was going to be six to eight people. How many did it ultimately end up being that went in with the Envoy initially into Libya?

A Eight.

Q Eight. And you've named yourself, the agent in charge, [REDACTED], [REDACTED], [REDACTED], and [REDACTED]?

A Yes. [REDACTED].

Q [REDACTED]. Who else joined you?

A We had [REDACTED]. He was, I believe, out of Brussels. He

was our shift leader. And then we had two agents from our Office of Mobile Security Deployments, [REDACTED] and [REDACTED] --

Q [REDACTED]?

A Yes. I always mispronounce his name. But, yes, [REDACTED]

[REDACTED].

Q And is that [REDACTED]?

A That sounds about right.

Q About right?

During this week of planning when you were in D.C., was [REDACTED]

[REDACTED] part of your planning?

A I remember him coming in and out, but I can't remember the specifics of what he was involved with. There were multiple tasks we needed to accomplish. We couldn't all do all the tasks together. So people were coming in and out doing various things, and I don't have a good recollection of what he specifically participated in.

Q But he certainly was, in your view, part of the team?

A Yes, yes.

Q And you knew that he was going to travel with you to Malta?

A Yes.

Q You talked about two, Mr. [REDACTED] and [REDACTED] -- is it

[REDACTED]?

A [REDACTED].

Q And that's [REDACTED] or something like that?

A Something along those lines.

Q They came from your Mobile Security Division?

A Yes.

Q Did they have then some sort of specialized training and skill that they brought to your team?

A My understanding was yes. They were added later, after we were already in Malta for a period. They were added later. [REDACTED] was a medic. He has a Special Forces medic background. And then I don't recall what special skill set [REDACTED] had, but he was added as well.

Q And were there special skills among the rest of the team?

A Not specific skills, but we all had, I think, a pretty good breadth of experience in various things that were useful to the team.

Q If you know, did all the members of the team have prior military experience, Active-Duty military experience?

A Many of them did, but not all.

Q In that week of planning, did you gain greater clarity on what the mission was to be for the Envoy?

A No. At the time we were very internally focused in terms of we knew what we had -- our ultimate mission wasn't really changing much. It was to provide security for him to do his job. And so we were very internally focused in terms of what do we need to do in order to be able to do our job once we were there. So that's what we were focused on. At that time I wasn't really thinking about what is my higher, higher mission.

Q So approximately a week later you traveled to Malta. Is that correct?

A Yes.

Q And this would have been maybe around the 10th of March?

A It was mid-March.

Q Mid-March?

A Yes.

Q And all of you traveled, the team that was assembled in Washington, you all traveled together to Malta?

A That was the plan. There was a slight hiccup at the airport on the way out. So we ended up getting separated, because myself and another colleague were carrying pouches, and unfortunately they were of a certain weight that they couldn't go into an overhead compartment, and we had to buy a seat for those pouches, but there wasn't room on the plane for those -- to be able to do that. So we were delayed 24 hours, 24, 48 hours, I believe. So [REDACTED] and [REDACTED] went on, and then myself and my colleague, we stayed back and went out on a later flight.

Q And once you arrived in Malta, how long was it from the time you arrived in Malta until the time that you left to travel to Benghazi?

A Couple weeks. If I recall correctly, we departed for Benghazi around the 5th of April.

Q And was that planned, to have that long of a period of time in Malta?

A No, no, that was not planned.

Q What happened? Why the delay?

A The events in Benghazi and Libya as a whole were very fluid

at the time, and it wasn't certain as to what was going to transpire. At the time, NATO was deciding whether or not they were going to get involved with the bombing campaign. There were a lot of higher-level decisions that were being made internationally. Until things kind of got a little settled at that level, we were on hold until we could get a better picture of what was going to be happening.

Q Just so that I can get a little clearer timeline of what was going on, did you arrive in Malta before the bombing campaign began by NATO?

A My dates aren't synched up that well. I can't recall if it was before or after. But it was around that timeline.

Q Around the time that the first air strikes started, enforcing of the no-fly zone?

A I'm not sure if those were kind of phased things that happened or not. I'm not sure if we did a no-fly zone and then we started doing strikes. I just don't recall how that progressed. But NATO started getting involved around the time that we went to Malta.

Q Okay. And when you first went to Malta, were you anticipating having additional planning take place there or was the plan to transit to Benghazi as soon as practicable?

A My understanding was that the team would coalesce in Malta and we would get together and figure out what we were going to do and then we were going to go on to Benghazi.

Q When you arrived in Malta, was Agent [REDACTED] there?

A No.

Q Was the Envoy there?

A No.

Q When did they arrive?

A They arrived relatively close to when we departed for Benghazi. So later March, early April timeframe.

Q And do you know where they were?

A I believe they were in Rome.

Q And do you know what they were doing in Rome?

A No.

Q And, again, we talked earlier about having some documents to sort of help facilitate our discussion today. I'm going to hand you what I'm going to mark as exhibit 1.

[REDACTED] Exhibit No. 1

Was marked for identification.]

Mr. [REDACTED]. Thank you.

Ms. Jackson. And what I've marked as exhibit 1 bears document No. STATE-SCB0046606 through 6610. It's marked "sensitive but unclassified" at the top. And I'm going to ask you to look at this document and then tell me if you've ever seen this document before.

[Discussion off the record.]

Ms. Jackson. Let's go back on the record.

BY MS. JACKSON:

Q Agent [REDACTED], have you had an opportunity to look at exhibit 1?

A I have.

Q And have you seen this document before?

A Yes.

Q And would you just tell us what this document is?

A This is an operations order for our mission going into Benghazi.

Q Okay. So it's sort of what some would call an ops plan?

A Yes.

Q And did you and the other agents create this plan?

A I do not recall specifically creating this plan. I mean, it's been quite some time, but this does look like something that we would create, yes.

Q Okay. But this looks like the operation plan that you all used when you went into Benghazi, Libya, with Envoy Stevens?

A Yes.

Q All right. I just want to ask you about a few sections of this exhibit. On the first page, under "Situation," No. 3, "Organization," it says, and I'll read it into the record: "The U.S.-Benghazi expedition (BENEX) will compromise 12 personnel. A, Chief of Party; B, 1 DOS officer; C, 2xDART officers; and, D, 8xDS, include one agent with advanced medical training."

We have talked about Envoy Stevens, but item No. 2 is one DOS officer. Was that to be Mr. [REDACTED] or was that someone else?

A No. That was [REDACTED]. He was a foreign service officer who I believe had been posted in Tripoli and was an Arabic linguist.

Q And so he was to assist Envoy Stevens, the chief of party?

A Yes.

Q And Mr. [REDACTED] last name is [REDACTED]?

A I believe so.

Q Item No. C is two times DART officers. Did you have DART officers?

A We did. DART stands for --

Q Disaster Assistance Recovery Team?

A Yes, yes. Thank you. I forgot what the A stood for, for a moment. Yes, so they did come with us as well.

Q How did that happen? Tell us about that.

A They were in Malta already when we had arrived, and my understanding was that USAID was planning to go in as well, and so they came in with us.

Q And had you known prior to your arrival in Malta that they were going to be part of your team?

A I don't recall when I learned when they would become part of our team.

Q And then the last item is the eight DS agents, including one with advanced medical training. Is that correct?

A Yes.

Q The next section of this talks about supporting organizations, and in particular I want to go to item G, which is DOD. How was the Department of Defense to be a supporting element to your mission?

A Well, at this point I don't think that had been laid out

very specifically yet. We knew that the DOD was going to be involved. And I didn't get very involved in that until we got into Benghazi. My understanding there was a lot of things that happened before I got involved, and I'm not privy to all the planning that happened at the higher levels or with [REDACTED] or Mr. Stevens at that level.

Q Were you ever aware that there was a plan for the Department of Defense to take you into Libya?

A The 2 weeks that we spent in Malta, there were various plans that had kind of come out and then changed, and so yes, yes, there had been a plan at the time -- well, at one point -- that the military would be involved into our insertion.

Q Were you ever told the reason why that plan was scrubbed?

A No.

Q And what did the plan then ultimately become?

A The plan is that we would rent a Greek merchant ship and load ourselves and our equipment upon it and then take that into Benghazi.

Q When you initially went in, was there a time limit on how long the DART personnel were going to be there?

A I don't recall their specific operational constraints.

Q Did they end up staying longer than initially planned? Do you recall if that occurred?

A No. I do know they swapped out individuals, but I don't know if that was a change in plan or what.

Q Okay. And this swapping out occurred while you were there?

A Yes.

Q Okay. Do you recall approximately how long you were in Libya before they were --

A It was a couple weeks, and the two individuals that went in with us departed, and then four USAID personnel came in.

Ms. Betz. And did they come in, when they arrived and swapped out, did they come by airplane or did they --

Mr. [REDACTED]. Yes.

Ms. Betz. So at that time the airport had opened, reopened, during your time?

Mr. [REDACTED]. In terms of reopening of the airport, I'm not really at a good position -- I mean, the airport was an interesting situation. I mean, opening is -- there were no commercial flights coming in and out, but it was possible for an airplane to land at the airport at that time.

BY MS. JACKSON:

Q Just working through this document a little bit, you talked about how when you were first notified it could be up to 60 days for you. Is that correct?

A Yes.

Q Did that change at any time before you went in? Was your mission shortened or lengthened or anything like that?

A There was a lot of uncertainty because of the situation. When we first got to Malta, at certain points it looked like the whole thing was going to be cancelled, I mean, just go home, and then later

it was back on. And so we were told -- I think what they did was they gave us and just for planning purposes have a plan no longer than this time, but you need to be flexible.

Q And that period was 60 days?

A Yes.

Q But you weren't exactly sure when you were going to get in and things like that?

A Exactly.

Q And you were not sent home from Malta. Is that correct?

A No, we were not.

Q If we could go to page 3 of this document, under F, DOD -- actually we may have to go back to page 2, item No. 5 is "Tasks," and then the sub-item F is the Department of Defense, or DOD, that their tasks were to, 1, "monitor BENEX communication to track personnel," and, 2, "provide assets for emergency extraction."

Tell us what you can about how DOD was going to monitor your communications to track personnel and provide assets for emergency extraction?

A I can't speak to that particular wording, why they put it that way, but my understanding was that we would maintain contact with the Department of Defense. So that way they knew where we were, they knew what our plans were, knew where we were staying, so that way they had a situational awareness of what we were doing. Also, we had personal tracker locator beacons, and I know that our folks worked with them so they could track those real time as well.

Q And what component of the military, what part of DOD were going to be your coordination group or liaison group?

A So probably the biggest element, we worked with U.S. Africa Command out of Germany. And once we were in Benghazi, we spoke with their joint personnel recovery center on a daily basis. We had specific times we would check in with them and give them an idea of what was going on, what activities we were doing. So those were our main points of contact.

Q Okay. Was there a ship in the Mediterranean?

A Yes.

Q And did you have any communication or coordination with that ship that was in the Mediterranean?

A Yes. It came on station after we had been there a certain period of time, and then we did have direct communication with the unit on that ship, yes.

Q And was that ship assigned to be part of your evacuation extraction plan?

A I can't speak to that. That would be more of a DOD question. My understanding from my perspective was that Africa Command had multiple options, and depending on the situation, they would choose the appropriate force or unit to conduct any sort of evacuation. So that would be an Africa Command decision. And so that was the potential maybe, but the ultimate decision was with the Department of Defense, not us.

Q To your knowledge, was that ship solely there for your

security, your and the Envoy's mission's security, or was it there for other purposes, if you know?

A I don't know.

Q As we're working through this, on this same page, under Logistics and Security, under "Personnel Recover," which I think might be recovery, it said primary is DOD elements. Was that your primary personnel recovery plan, was DOD assets when you went in?

A No, no, it was not.

Q Okay. What were your personnel recovery plans?

A Ours, at least from our perspective, was to self-evacuate. That would be the first thing that we would try to do, would be to get out ourselves.

Q By any means possible?

A Yes.

Q Once you were into Libya, it's my understanding you had fully armored vehicles?

A Yes.

Q Did you have any other means of evacuation when you first went in?

A Yes. They maintained the Aegean Pearl, the Greek merchant ship that we had rented, in the Port of Benghazi for a couple weeks after we arrived, and that was our primary means of egress, because it's close, drive down to port, get on the ship, sail away. But we also did planning to do an overland evacuation to the east to Egypt as well.

Q Taking a step back to this planning phase that was going on both in Washington and then when you arrived in Malta, how were you monitoring the security situation in Libya?

A So the folks in Malta, we weren't part of the planning process that was occurring in Washington and wherever else. We were lower ranking, and we were more focused on internally making sure that we had the equipment necessary to do the job once we got in there. We weren't in the position to really partake in the high-level planning.

So our focus was more getting extra fuel cans, MREs, and tow straps for the vehicles, and getting the vehicles ready because the vehicles had been imported from somewhere else, and making sure those were ready to go as well as.

So those were the focus of the efforts. And then outside of that, we tracked how things were going on through the news mostly.

Q So you were primarily using open source?

A Yes.

Q To your knowledge, were others tracking other sources of intelligence to determine when it was that you were going to go into Libya?

A I mean, I don't know specifically who, but I'm sure that there were people doing that at various organizations.

Q Agent in Charge [REDACTED] never told you, never imparted that information to you?

A Well, we didn't have direct contact with him for much of the time that we were in Malta, so I can't speak to much about that

at that time.

Ms. Betz. Let me just clarify. So you talk about checking in with DOD and the ship. Did you gather any information from them? Were they relaying information to you in terms of what they were hearing? Did you rely on them?

Ms. Jackson. My questions were prior to going in.

Mr. [REDACTED]. Right. I want to understand. So the questions I've been answering so far, this is when I'm in Malta. Now, that ship and the DOD, that did not begin until we were in Benghazi.

Ms. Betz. All right.

Ms. Jackson. We'll get to that.

BY MS. JACKSON:

Q And I believe you said that Agent [REDACTED] and the Envoy arrived in early April?

A Yes.

Q Into Malta?

A Yes.

Q And then was the plan that you were to leave very shortly thereafter, the next day or the day after?

A Yes, yes.

Q And did that happen?

A If I remember correctly, our departure was delayed 24 hours due to I think something wrong with the ship. But they came to Malta with the expectation they would be leaving soon thereafter for Benghazi, and that is generally what occurred.

Q I want to talk about one other thing in this document. If we could go to the second-to-the-last page, there is a section called Triggers and Tripwires. Do you see that at the bottom?

A I do.

Q Bottom half of the page. Just to complete the record, what is your understanding of a trigger or a tripwire?

A That would be an event or a condition that would cause us to reassess the security situation and to make a determination as to appropriate action that needed to be taken.

Q And there are seven items listed then on the remainder of this page and then the last page as to tripwires. As you look at these, were these the tripwires that you understood were in place for the BENEX or Benghazi expedition?

A Yes.

Q Did you and the other agents come up with these or were they provided to you by [REDACTED] or other people within Diplomatic Security or other forces within Washington?

A I don't recall.

Q Were there other tripwires, other than the seven that are listed here?

A No. These tripwires seem to cover all the things that we were concerned about.

Q Were you able to take weapons into Benghazi?

A Yes.

Q And so they were [REDACTED]

[REDACTED]?

A Yes.

Q And what type of weapons did you take with you into Libya?

A We all had SIG Sauer pistols, [REDACTED]

[REDACTED]. We had M-4 carbine rifles. And I then we also had -- I believe we had maybe a shotgun, one or two shotguns as well.

Q Did you take communications with you into Libya?

A We did.

Q What kind of communications package did you have?

A So we had a couple -- I don't know what the acronym stands for -- but BGAN systems. It is a satellite data system. Basically it's an antenna that you can plug a computer and a telephone into and you talk via data and voice over that.

Q And by the acronym, B-G-A-N?

A Yes, yes.

Q Okay.

A And then also we had our interpersonal radios that are issued as agents, Motorola push-to-talk-type radios. We had Iridium satellite phones. And then we also -- one of the MSD agents brought a tactical-type radio. I don't recall the specific radio as well.

Q So you sailed from Malta and you arrived in Benghazi. Describe for us what happens when you arrive.

A So we pulled in. Surprisingly, we still had to go through immigration, even though --

Q The country was at war?

A Yes. So we got our passports stamped, believe it or not. An immigration officer came up to the ship and stamped our passports. And then at that time we made our first contact with the TNC. They actually came to the boat for a meeting. That was most of -- the biggest things I remember from the first day.

Q Okay. Did anyone go into Benghazi that day?

A I don't recall when we first started to go out into the city, but it would have been within the first few days of arrival.

Q So did you stay on the ferry that first night?

A Yes.

Q At some point did you transit to a hotel to reside in?

A Yes.

Q When did that happen, to the best of your recollection?

A Best recollection, within the first week.

Q And just describe for us the types of meetings and events that occurred in the first few days that you were there.

A The only activity that I remember from my perspective was the first meeting with the TNC on the boat. And then I know other agents with the detail started going out looking for places to stay off the ship. Those are the main activities that I recall from that time.

Q Let me take a step back. Once you arrived in Libya, did you have like a set set of duties that you were to do? Were you the communications guy, or were you an advance guy, or were you part of the Envoy's movement protocol? Did you have duties? Did they rotate? Tell us how that worked.

A So all the agents kind of -- yes, we did. It wasn't officially assigned, but people kind of fell into certain roles that ended up matching well with their background. I ended up being more of our communicator in setting up our tactical operations center. So my role was to be more outwardly focused back to the U.S. Government, with AFRICOM, with NATO, and other entities.

Q So you were the person who was checking in with AFRICOM?

A Yes.

Q And how often did you do that?

A I know we started out at twice daily, once in the morning, once in the afternoon. We had set times. It may have trailed off to once a day later as things got a little more stable, but a minimum of twice a day initially.

Q And did you have to report back to the State Department?

A Yes. Generally, I know Mr. Stevens was reaching back to the State Operations Center. I know [REDACTED] was reaching back to DP. I would call back to our Diplomatic Security Command Center a couple times a day as well.

Q And so there were multiple forms of people reaching back to the State Department in Washington?

A Yes.

Ms. Betz. So this is what I guess I'm trying to clarify. So your first conversations then with AFRICOM would have been when you arrived to Benghazi and not prior to? I guess that was the source of my previous question, was any conversations with DOD prior to going in?

Mr. [REDACTED]. It's possible I could have, but my actual interaction with DOD really started once we arrived in Benghazi.

BY MS. JACKSON:

Q So you were doing sort of the situation report call-in?

A Yes.

Q Once or twice a day?

A Yes.

Q I believe you described others going into the city to look at hotels and other places for you to stay, but that was not one of your responsibilities?

A No.

Q Ultimately a hotel was selected. Is that correct?

A Yes.

Q Was that the Tibesti Hotel?

A It was.

Q Were you part of any security discussions about picking that hotel over other locations? Was that discussed among the group?

A I don't specifically remember a discussion, but it's a very small group. I'm sure we discussed it. But ultimately it wasn't my level's decision to make. That was a choice for [REDACTED], [REDACTED], and Mr. Stevens.

Ms. Betz. Let me ask you this. Had [REDACTED] come in during that time? Was he consulted in any decision to go to the Tibesti?

Mr. [REDACTED]. He did not come with us to Benghazi.

Ms. Betz. No, I realize that, but did he come shortly thereafter?

Mr. [REDACTED]. Not while I was there.

BY MS. JACKSON:

Q Well, let me ask you this. How long were you there?

A I was there for approximately 30 days.

Q And during that period, Mr. [REDACTED] did not come in?

A No.

Q Do you know if he was consulted in any way during that period of time?

A I do not.

Q Do you recall anything about the pros and cons of different locations being discussed among the group?

A I do remember certain things were thrown out, but I can't recall them specifically. I know there were pros and cons that were discussed, but I just don't have the recollection of the specific aspects of each hotel.

Q Once you were in the Tibesti Hotel, can you describe your setup within the hotel?

A So the hotel kind of formed a T, and the T kind of ran parallel to the main street. So the top of the T was perpendicular to the main street. And we were on a higher level floor, and in the T part of the structure was kind of a separate wing from kind of the stem of the T. So the stem of the T was just general hotel rooms, and then the top of the T was more suites, and that was separated by a glass door. So we had a whole floor of that top of the T portion for our staff, and a lot of agents stayed on the same floor like kind of the

stem of the T.

Q And within the suite, how many rooms were there?

A I don't recall.

Q Or what was the configuration?

A So when you walked in to the top of the T, so you walked through the glass doors, there was a reception area, there was a desk, and then there was a wall, and you could walk either to the left or the right of the wall, and then you could get to the rooms that went to the right and then to the left. There was a stairwell that went and an elevator bank that went from top to bottom of the hotel in that top of the T as well.

Q You said you were on an upper floor. Approximately how many floors were in the Tibesti? Was it 5; was it 10; was it 20?

A It was more than 10, but I don't recall.

Q But not 90?

A No.

Q And do you recall what floor you were on?

A I don't.

Q Did the team request the hotel to make any security upgrades to it to protect you and the Envoy?

A I know there were discussions with the hotel. Now, in terms of security upgrades, are you talking physical security or --

Q Staffing or physical security upgrades.

A I do know that we talked to them about personnel, but that wasn't really my role. [REDACTED] and [REDACTED], they did most of that

coordination. I wasn't very involved with that.

Q Okay. You described your role as sort of the coms officer, communications officer. Did that remain once you were in Libya?

A Yes.

Q And it's our understanding that there was a tactical operations center set up in the suite. Is that a good description of it?

A Yes.

Q And did you head that?

A Yeah. Well, I mean, we're kind of first amongst equals at the lower levels. But that was my main responsibility.

Q So as others went out with the Envoy for meetings and things like that, you were the guy that stayed behind and monitored the equipment?

A Yes.

Q Took calls from headquarters, passed on messages and that?

A Yes.

Q Did you have the ability to receive or send classified information?

A No.

Q Did the hotel have a security force affixed to it or employed by it?

A There was an individual that controlled access to the parking area, and there were also individuals in kind of the main entrance of the lobby.

Q And that was it, these two individuals?

A Well, it wasn't two individuals. It was kind of two positions. There was one individual at the entrance to the parking lot and there were individuals, multiple people that would be at kind of the main lobby area.

Q After you arrived in Benghazi, were there any security incidents that caused the team to consider leaving Libya?

A Yes.

Q Okay. And what can you tell us about those?

A The specifics are a little hazy. I do remember one instance where there was a concern that loyalist forces were going to get past Ajdabiyah and the Brega area. That was relevant because those were the last things between us -- I'm sorry -- between Benghazi and Qadhafi --

Q Qadhafi's forces?

A Right. So once they made it past those positions, they would get to Benghazi relatively quickly. So we were concerned that he was going to break through the lines. So that was one incidence that stands out. There were other sundry things that happened in Benghazi that caused concern for us.

Q And did you communicate back to either Diplomatic Security or Washington?

A Yes.

Q About those? You personally did that?

A I know the team did. I can't recall specifically.

Q Again, to help facilitate this discussion, I'm going to hand you actually three different documents. The first one I've marked is exhibit 2.

[REDACTED] Exhibit No. 2

Was marked for identification.]

Ms. Jackson. It is an email exchange dated Thursday, April 7, 2011. I do note that you are not on this email exchange, but the subject line is "Stevens Update -- April 7 at 12:30." That's No. 2.

I'm going to identify all three of these for the record, and then we'll go off the record and give you an opportunity to look at each of these. They're all relatively short.

For the record, exhibit 2 is document No. C05395578, and it's marked at the bottom "sensitive but unclassified."

What I've marked as exhibit 3 and I'm handing to you is an email exchange dated April 10th, 2011, at 9:30 a.m., subject line "Stevens mission planning to abort."

[REDACTED] Exhibit No. 3

Was marked for identification.]

Ms. Jackson. It bears document No. STATE-SCB0095985. And, again, I don't see you on this email exchange, but I'm going to ask you if you're familiar with the events.

And then exhibit 4 is a document entitled "Benghazi EAC Meeting 15 April 2011."

[REDACTED] Exhibit No. 4

Was marked for identification.]

Ms. Jackson. It bears document No. C05396063. At the bottom it says it is drafted by [REDACTED] and cleared by Chris Stevens and [REDACTED].

And we'll go off the record and give you a few minutes to look at each of those three documents, and then I will ask you a few questions about them.

A Thank you.

[Discussion off the record.]

BY MS. JACKSON:

Q Agent [REDACTED], if you could look at exhibit No. 2, which is in subject line "Stevens Update -- April 7 at 12:30." You are not on this email exchange, but are you familiar with the issues that are discussed and the events that are discussed in this email exchange?

A I am. It's the first time I've seen this email, but I am familiar with the events discussed.

Q And this is, I'm going to read from the second half of the first page, from a [REDACTED] to various individuals where she writes: "Chris Stevens provided the following update at 12:30 today. Chris and team held an EAC this evening to review their security posture and contingency planning in light of pro-Qadhafi assaults on Ajdabiyah. Loss of Ajdabiyah to pro-Qadhafi forces is a tripwire that would prompt Chris to pull the team from Benghazi," end quote.

Do you recall this event occurring?

A I do.

Q And do you recall this EAC that you had?

A I don't recall the meeting itself, but I do recall a discussion being had.

Q Okay. And there was a discussion as to whether you needed to leave Benghazi based on this?

A Yes.

Q And obviously the decision was that you didn't pull out?

A Correct.

Q Do you recall if you took any other measures to enhance the security?

A Yes. So this evening what we did, this specific issue didn't really require any change in our posture in terms of -- we just needed to be ready to leave quickly.

So what we did was we transitioned our TOC back to the ship, which we had kept in port, so that way if we decided that we needed to leave we had a continuity of communications back to D.C. That way we didn't have to say, "Oh, we're breaking down, we're going to go dark for half hour, hour, and then we're going to go back up."

So myself and a couple other agents went to the ship and stayed the night and did a 24-hour watch to maintain communications. That way we could receive our colleagues at the ship if we decide to leave quickly. That was the most significant step we took because it would help facilitate us leaving Benghazi faster.

[11:18 a.m.]

Ms. Jackson. Okay. The next paragraph reads that "AFRICOM has confirmed that TNC forces remain in control of Ajdabiyah and have fortified their defenses."

This, I assume, but need your confirmation, that AFRICOM is reporting in to you and others on the team as to where the TNC forces are and Qadhafi's forces are?"

Oh, we are joined by Congresswoman Roby.

This is [REDACTED].

Ms. Roby. Nice to see you. Thank you for being here.

Mr. [REDACTED]. Sure.

Sorry, could you kind of go over that one more time, please?

BY MS. JACKSON:

Q The next paragraph talked about "AFRICOM has confirmed that TNC forces remain in control of Ajdabiyah and have fortified their defenses," and I was just asking how the flow of information regarding the ongoing civil war came to you? Did you get it from AFRICOM? I'm sure you were monitoring open the sources, but what were the sources of information that you were getting regarding the ongoing civil war?

A So, yes, we did get, as a matter of course, information from AFRICOM. We talked to them twice a day and then more frequently if required. And not only did I pass them information as to what we were seeing and what we were doing, but they would also pass whatever information they could in an unclassified manner to us about what they were seeing as well. And I do know that there were conversations

between, you know, DOD and State as well at the headquarters level.

But I would say information was flowing from us to AFRICOM, from us to State, and between DOD and State -- yes. Information was going everywhere I think would be a good way to put it.

Q So the State Department was also sending you information regarding the security situation on ground in Benghazi?

A Yes.

Q All right. If we could, then, move to exhibit No. 3, again, an email that you are not a party to, but dated April 10th, 2011. Subject line: "Stevens mission planning to abort."

Can you tell us what changed between the 7th and the 10th that necessitated the planning to abort the mission?

A Honestly, for me, I kind of conflate this into one incident that occurred over a period of time.

Q So it was a continuation?

A Yes.

Q Do you recall, were you still on the ferry at this time?

A No. We couldn't sustain that for a long period of time. So, if I remember correctly, we did it for that one evening. Things tended to stabilize for a bit. And that's when we went back to the hotel, set back up at the hotel.

Q Okay. And, again, in exhibit 3, it talks about -- it's the email written from Gene Cretz. Did you understand him to be the ambassador to Libya, if you know?

A Now I do, but then I did not.

Q And Ambassador Cretz writes, "We have been in touch with Chris. It appears that Qadhafi forces are at the eastern and western gates of Ajdabiyah and that there is a real possibility of the city falling. That development is the tripwire we set up for aborting the mission and sailing out."

That, obviously, did not come to fruition, because you did not leave. Is that correct?

A That's correct.

Q Okay. And do you recall being part of the discussion about not leaving?

A No. I mean, it was a very small team, very confined space. But the actual time the decision was made, I probably was not part of that conversation.

Q Okay. Is it possible that the night you spent on the ferry was the 10th and not the 7th?

A I don't recall the exact date. I'm sorry.

Q All right. And, then, if we could move to exhibit No. 4, the Benghazi EAC meeting on the 15th of April. This is a document that you drafted. Is that correct?

A Yes.

Q Okay. Now, this document and this EAC is about different types of threats. It's not about the fall of Ajdabiyah anymore. What were your concerns that you had as a team being in Benghazi at the time?

A So there were three things that occurred that caused us to have this. So one was a piece of information received from the British

about the security force that the TNC was using had conducted a raid, found some explosives. And then the second was an incident at the El Fadeel Hotel. That was where the U.N. and the British were staying. And the third was just -- it was -- it looked like a fire that had taken place at a structure that we could see from the hotel.

And so with these happening kind of so close together, we decided to get together and have a conversation about: Okay, so what do we know happened, and how would that impact us, and what should we do to mitigate that?

Q Okay. And in this EAC, you list some things that you're going to do to mitigate that? Is that correct?

A Yes.

Q Was there any discussion about augmenting or adding to your security team?

A I don't have any memory of that.

Q Okay. Did you, ultimately, get two more members of your team?

A We did.

Q Okay. And was that shortly after this time?

A It was, but I can't say that the two things were connected.

Q Before we just leave, I'm going to show you one more exhibit that I'm going to mark as No. 5, which is, for the record, document number C05390734.

[REDACTED] Exhibit No. 5

Was marked for identification.]

BY MS. JACKSON:

Q It is an action memo for Under Secretary Kennedy dated April 15th, 2011. And the subject line is: "Request for Permission for TDY Travel of USG Personnel to Libya During Suspended Operations to Accompany Special Envoy Stevens."

Have you had a chance to look at that?

A Yes.

Q Yes. Okay. You're not on it. You're not a recipient of it. But it lists that two Diplomatic Security agents, [REDACTED] and [REDACTED], they are requesting information for them to join you in Benghazi. Did that happen?

A It did.

Q Okay. So your numbers went from 8 to 10?

A Yes.

Q Okay. Do you recall, was that something that was requested by your team, or how did this happen?

A My understanding was that looking forward to when we decided to swap out personnel, we were concerned that all the people that knew what was going on would leave, and we would have a bunch of new people come in who didn't have an understanding of what was going on.

So to help make that a smooth process, we wanted two individuals to come in earlier, that way they were here for a couple -- sorry, they were in Benghazi for a few weeks, they would understand the lay of the land, how operations were being conducted, so that way they could, when the new team did come in, they could help pass that knowledge on.

Q Okay. Was it your understanding that the security team was supposed to go back down to 8, or was it going to stay at 10?

A I don't recall.

Q Okay. Given the security environment in Benghazi, did you feel that eight agents was sufficient to protect the Envoy and the team?

A That's a tough question to answer. I mean, it's very easy to say it would be great to have more people, because there's a lot of different things we were doing, and having more people there would make that easier. But at the same time, having additional bodies would complicate extraction as well. That's more people that take up space in a vehicle and more people that take up space in a helicopter.

And so I know that we had to balance that out, because as the mission got bigger and bigger, us getting out expeditiously became more and more difficult.

Q Could you have managed with five?

A I really don't want to get into specifics. It would have been very difficult to have managed what we were doing with five, with just five agents in terms of the various things we had to do. We need to maintain the TOC 24/7. So that's one person there awake and conscious and able to function.

And then if Mr. Stevens was moving anywhere, you have two drivers, one for the limo, the vehicle he was using, and one for the follow vehicle of agents. You need an AIC in the vehicle with Mr. Stevens, and then you need, you know, a team in the follow vehicle as well. So, I mean, if you only have five agents, you wouldn't be able to have anyone

at the site that he was going to. You always want to go from a known to a known. You don't want to go to a location where -- and have nobody at.

So you need to send an agent out ahead of time to be where you're going to. Probably in that sort of environment, probably not want to send him by himself. So you see how numbers quickly begin to expand.

Q And with that, I see that we are past our first hour, so we are going to go off the record and take a break at this time. And we'll confer with our colleagues as to how we're going to proceed from here.

A Thank you.

[Recess.]

Ms. Jackson. Okay. Let's go back on the record.

Agent [REDACTED], with the agreement of our colleagues, we're going to continue questioning and, hopefully, finish up well within the next hour.

And I'm going to hand you another exhibit that I've marked as No. 6 and ask you to take a look at it.

[REDACTED] Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON.

Q For the record, it is document number STATE SCB0045054. You are not a recipient or a sender of this email, but it is dated Sunday, April 24th, 2011. The subject line is: "Stevens Update." And I'm going to ask you to take a look at that and let me know if you are familiar

with any or all events that are described in here. And I'm going to focus on the first paragraph that is entitled "Security."

A Okay.

Q Okay? Are you familiar with some of the events, and, in particular, the security paragraph of this of email exchange?

A Not the security paragraph.

Q You are not?

A No.

Q Okay.

A I don't recall that at all.

Q So where it says, "Security: Today's focus is on the security situation in Benghazi. There is new local reporting that hotels are being targeted." You don't recall that happening around the 24th of April?

A Well, sorry, let me clarify. I recall there being issues with the hotel. What I keyed on was the second paragraph. I do remember a discussion about whether or not we had a duty to warn based off of information related to hotels in Benghazi. I do remember that conversation, but I didn't remember it in this context, if that makes sense.

Q Could you elaborate for me?

A Sorry. So the portion about the Egyptian cell and things along those lines and the cousin of Qadhafi, who was on the way to Egypt, this is the first I've seen that information. I do remember that at one point while I was there we were concerned about hotels being

targeted. But this is the first time I've seen it in the context of that information.

Q Okay. So you were generally aware that there was reporting out there that hotels were being targeted?

A Yes.

Q And you recall that there was a discussion about issuing some sort of warden's message or warden's advice warning people to stay away from Libya?

A Yes.

Q Okay. Tell us about that conversation.

A So it was based off of whether or not there is a duty to warn. And the discussion from how I remember it was the Department had already told people not to go to Libya; do we also have to issue another message to tell them not to stay at a particular hotel in Libya when we've already told them not to -- that they shouldn't be there anyway?

Q So, in other words, issue a second warning that says, "We really meant it, and we don't want you going to this hotel even if you disregard our warning"?

A Correct.

Q Okay. And do you recall whether another warden's message was issued?

A I believe there was.

Q Okay. You talked a little bit earlier about keeping the ferry in port as your evacuation extraction plan.

A Yes.

Q Okay. At some point while you were there, did the ferry leave?

A Yes.

Q Okay. Did you have to revisit your plans at the time?

A Yes.

Q Okay. Did you play any part of that?

A Yes. I mean, very small team, very confined space, so I was part of the conversations. But in terms of the actual internal planning for what our contingency was going to be, other agents handled that portion of it.

Q Okay. And what did you learn was the new plan once the ferry was gone?

A That we would drive east to Egypt.

Q Was there any type of military extraction plan?

A Yes. Yes. There was always the DOD component if for some reason we couldn't self-extract. The DOD was always second or third or fourth level option if things really got bad. So that didn't change with the leaving of the ferry.

Q Okay. I'm going to hand you what I've marked as exhibit 7.

[REDACTED] Exhibit No. 7

Was marked for identification.]

BY MS. JACKSON:

Q And for identification purposes, it is State Department document number C05396337. At the top it is dated April 25th, 2011. And the subject line is, "BENEX Recovery Capability."

And I do see that about halfway down the first page there's an email exchange that is from you, [REDACTED], sent to AFRICOM JOC Personnel Recovery.

Okay. Is that part of the email exchange something that you were a part of when you were in Benghazi?

A Yes.

Q Okay. And, in fact, your email is dated Saturday, April 23rd? Is that correct?

A Yes.

Q Okay. And what can you tell us about what was happening and your discussions with AFRICOM at the time?

A Yes. So DOD was concerned that the boat was leaving. I think they had a misconception as to why it was leaving. They didn't understand that it was outside of our control that that ship had to leave. It couldn't physically stay in the port anymore for various logistical reasons.

From my understanding, it was that the generator that the ship used while in port worked on one type of fuel, a fuel that they could not get in Benghazi, whereas the fuel that they used while underway

is different. So they're running out of fuel, they couldn't get it, so they had to leave.

And there was also, if I remember correctly, like a contract issue with the crew itself. They got more than they signed on for, if I remember correctly.

Q They didn't like their shore leave in Benghazi?

A Right. They were chipping a lot of paint, if I remember correctly. So, initially, AFRICOM didn't understand those factors, because my initial conversation with them was like: Well, you need to have the boat stay. Well, that's not a possibility. And -- yeah. So that's --

Q Okay. So tell us about your conversations with AFRICOM and how the extraction exfiltration plan changed.

A Right. So another concern, and it's highlighted in the email, that AFRICOM had was around that time we had grown in size. We had gone from 12 to, I think, 16, with the addition of two agents and then also an addition of two USAID personnel.

Q The initial two left and they were replaced by four?

A Correct. Correct. So our total number of 16. And one of their -- one of the potential extraction options was using a particular airframe that has a seat limitation, and we had exceeded that seat limitation now.

Q You said an airframe?

A Yes. I don't recall which particular aircraft, but whatever aircraft it was could fit X number of people; we now had

Y number of people. And so that limited DOD's possibilities and the potential that we would have to make two trips. And that would be a concern, because if DOD was extracting us, it would probably be in the more extreme situation and the turnaround time could be upwards of 12 hours between trips. So you would have people, you know, a small group of people alone and afraid for a significant period of time.

Q Was there any discussion about just having two aircraft?

A No. Well, no, that was including -- I can't really get into how the DOD aircraft operating, that would be the air planners would probably be a better, but my understanding is that that was including two aircraft coming in.

Q Is there a difference between two aircraft coming in versus two trips?

A Yes. Sorry. Yes. Yes.

Q Could you clarify that for me?

A Sorry. My understanding was that when they came to pick us up, it would be with two aircraft. But even with two aircraft -- one of the particular options was using a particular aircraft. They would send two of those. But even with those two aircraft, they would not be able to pick up all the personnel and they would need to make a second trip.

Q Or have a third aircraft?

A Right. But, again, I don't want to get into how the DOD plans their air assets, because --

Q Okay.

Mr. Kiko. Now, I have a question. Is this to fly into Benghazi?
Is this to Benghazi?

Mr. [REDACTED]. Yes, sir.

Mr. Kiko. Okay.

Ms. Jackson. And into the Benghazi airport?

Mr. [REDACTED]. No. My understanding would be that we would -- that a landing zone would be identified. It could be the Benghazi airport or it could be some other -- the potential was we might not be able to get to the Benghazi airport. So it could be a second or third site that --

Mr. Kiko. But it was planned in advance as to where you would land or where you would come in?

Mr. [REDACTED]. No, not to my knowledge, no. Once we had that situation and based off that situation, we would -- there were LZs designated, and out of those LZs, one would be selected.

Mr. Kiko. Okay.

BY MS. JACKSON:

Q And by LZ, you mean a landing zone?

A Yes.

Q So there were multiple sites that were available, and depending on the situation, you would pick one of those, and the DOD extraction exfiltration team would come to that site?

A Yes.

Q During your time in Benghazi, was there any discussions or talks about extending the mission and how long it would be extended?

A My understanding was that it was -- the total length of the mission would be based off of if we could operate there securely, and then also -- on the security side -- but then also there would be a policy component to it as well. And I don't have a lot of insight into kind of the policy framework as to what they specifically wanted to get and when they would kind of pull chinks and leave if they weren't getting what they wanted. But yeah. So my understanding going in, though, is that it could be extended if things were such that it proved fruitful to do so.

Q Okay. And did you have discussions while you were there that it was proving fruitful and that a continued presence was needed?

A Yes, yes, because we coordinated relief for us and the new team could come in.

Q Okay. And did you have any insight into how long they were talking? Was it going to be one more team or was it going to be indefinitely?

A No, I don't.

Q Was there any discussion about keeping the team there until the end of the civil war?

A No.

Ms. Betz. No, you're not aware of any discussions or --

Mr. [REDACTED]. Sorry. Correct. I'm not aware of that conversation.

BY MS. JACKSON:

Q So when did you leave Benghazi?

A Around [REDACTED].

Q Okay. And you and how many others transited out at that time?

A I don't remember the exact numbers.

Q Well, let me ask this. Was it more than just you?

A Yes. Yes.

Q Okay. But it wasn't the entire team?

A No.

Q And were other agents coming in --

A Yes.

Q -- at the time?

Did you meet with them prior to your departure?

A No.

Q Okay.

A And we literally shook hands on the airport, on the tarmac, as we were getting on the plane they were getting off of.

Q And told them, good luck?

A Yes.

Q Did you tell them about the restaurants you visited?

A That's why the two agents come in early, that way we can pass on that important knowledge to the people replacing us.

Q And after you came back, I believe you told us early on, you got activated into military service shortly after your return. Is that correct?

A Correct. Yes.

Q How long were you back?

A So I knew about my activation before I left Benghazi, but I was maybe a month, month and a half before I went back -- until I put the uniform back on.

Q Did you have conversations with the agents who were in Benghazi at the time?

A I don't recall, but I did know some of them, so it is possible that I did.

Q Okay. You don't recall any particular incident that they brought to your attention or anything like that?

A No.

Q Okay. During the time that you were activated, did you have any conversations with anyone who was serving in Benghazi?

A Not that I recall.

Q Okay. How about when you came back from your military service?

A Yes.

Q Okay. And who did you talk with?

A About -- I'm sorry, talked to whom about what, again? I'm sorry.

Q Okay. Well, let's first put a timeframe on it.

When did you get back from your military service?

A I got back in, I believe, June 2012.

Q Okay. And at that time, did you know any of the agents who were serving in either Tripoli or Benghazi?

A No.

Q Okay. In the time that you had been gone, did you know any of the agents who had served from the time you were there until June of 2012?

A Not that I know of.

Q Okay. Did you know any of the agents who served between June of 2012 and the attacks on September 11th?

A Yes.

Q Okay. And during that timeframe, did you have any conversations with them, let's just say, prior to the attack?

A No.

Q Okay. Did you know the agents who were there at the time of the attack?

A No.

Q Okay. Did you talk with the agents, then, after the attack about their experience between June and September?

A Yes.

Q Okay.

A Wait. So there was one agent on an SD trip who had been there. And I said, "Hey, man, how are you doing, are you good?" type conversation.

Q And an SD trip is what?

A Oh, sorry, sorry. A trip in support of the Secretary's detail for Secretary, I believe, was -- for the Secretary of State overseas.

Q Okay. Let me back up just a little bit.

A I'm sorry.

Q All right. Who did you have a conversation with?

A I can't remember his name.

Q Okay. And were you here in the States or were you overseas?

A We were overseas.

Q You were both on the Secretary's detail overseas?

A Right.

Q And you knew this individual had served in Benghazi?

A It came up in conversation.

Q Okay. And did you swap stories?

A A little, yes.

Q Okay. Did you discuss any security concerns that either you had or he had regarding service in Benghazi?

A Not that I recall.

Q Okay. After the attacks, have you talked with any agents

about the security in Benghazi?

A Yes.

Q Okay. And what, if any, concerns were discussed?

A I mean, it's just more general, you know, "How were things when you were there?" sharing stories over a beer type conversations, at least from my perspective. In terms of security concerns, I mean, there was the general security environment that we talk about, but I wasn't raising any issues about, you know, things that we did or didn't get or things along those lines.

Q Did other agents share those concerns with you about things that they asked for and didn't get or the security environment over there being untenable or something that needed to be improved in some way?

A Oh, yes. Yes. I did have one colleague that served there, and he did raise concerns that -- he did raise concerns that he had while he was in Benghazi, yes.

Q And did he also express to you that he didn't feel that his concerns were getting addressed?

A Yes, he did, but I believe you've spoken with him.

Q Okay. The Accountability Review Board that was impaneled after Benghazi made a couple of points, and I just want to quote from two passages in the report.

First, at page 7, the ARB said that, quote: "The Board determined that U.S. personnel on the ground in Benghazi performed with courage and readiness to risk their lives to protect their colleagues in a near

impossible situation," end quote.

And then they said at page 5, quote: "Overall, the number of Bureau of Diplomatic Security (DS) security staff in Benghazi on the day of the attack and in the months and weeks leading up to it was inadequate, despite repeated requests from Special Mission Benghazi and Embassy Tripoli for additional staffing. Board members found a pervasive realization among the personnel who served in Benghazi that the Special Mission was not a high priority for Washington when it came to security-related requests, especially those related to staffing," end quote.

Agent [REDACTED], you have a unique perspective as being a Diplomatic Security agent. In your experience and opinion, has the State Department changed since Benghazi?

A Yes, dramatically.

Q Okay. And how so?

A Our training is much better for high threat, I believe. It has been expanded. And also, the focus has shifted. The mentality of the organization has changed for the better, I believe, as well. I think it helped flip a switch in people's minds cognitively, the way that people view problems and issues. I think they may take a more tactical mindset. And I definitely think that people are more willing to speak up when they do see concerns. So I think that DS has changed for the better, for sure.

Q Are there additional changes that should be implemented?

A From my perspective, I see that our Department has changed

a lot, and we haven't seen how those changes have, kind of, panned out yet. And I'd be -- and I don't want to jump in to make more changes until we see how what we've done ends up working out.

Q One of the additional findings in the ARB, and I don't have a quote, but generally speaking is that the Benghazi ARB was very concerned that there had been past recommendations where there had seen change afterwards but then it had fallen off after a time.

A Right.

I think that's a fair characterization of one of the findings of the ARB.

Q In your opinion, is there anything that the State Department can do to ensure that the changes that you have seen are sustained?

A I can't really speak to that. I mean, I'm an optimist. I see, you know, the agents coming up -- first off, the agents coming in now are coming in after Benghazi, so they know what they are getting into. And the agents at my level are moving up in the organization and Benghazi has had a significant impact on your career and how we do things.

And I think in terms of sustaining the changes brought about, I think that's the key proponent of it, is that you have this younger generation of people coming up, and even more senior levels, that get it. And that is what's going to help make sure that we don't backtrack.

Mr. Kiko. I have one question before I forget it. It has to do with you were talking about changes that were tactical and all those kind of things. And I would expect that a lot of the -- and I'm making

an assumption, that Diplomatic Security agents were very well trained, prepared to work fast.

What have you seen -- have you seen anything other than those kind of changes with regards to have you been to any missions since Benghazi that were similar? And I don't mean Pakistan. I don't mean well-fortified missions.

Have you been in the similar kind of situation where you can make an assessment that when we send something in and we make requests in and they're going to be addressed and they're going to be addressed properly and they're going to be -- you know, it's not going to be all this, you know, rigmarole that everybody had to do for a year and a half? Have you been able to see a change with regards to response time and those kind of things from Washington to there?

Mr. [REDACTED]. So after the attack in Benghazi, I volunteered for a mobile security deployment augmentation team to U.S. Embassy Tunis, which was also attacked around that timeframe. I spent about a month out there augmenting their security.

So it's a little earlier then when a lot of these changes were brought about officially. But in terms of the mindset when I was out there, I definitely got the impression that they were getting what they needed when they needed it when they requested it.

Mr. Kiko. Okay.

BY MS. JACKSON:

Q Following the 1999 ARB on the Nairobi, Kenya, bombings, and also following the Benghazi ARB, there were recommendations for the

creation of an under secretary for diplomatic security based on the premise that you're elevating security to a higher level and visibility within the State Department. Do you have an opinion as to the viability of that recommendation?

A I'd be hesitant to offer my opinion in that I don't understand the Department enough to really know whether or not that would be viable. I'm just not comfortable speaking to that.

Q Would you agree with the general assessment that security needs to be a key factor in decisions that are made?

A Yes.

Q I think we just have a couple of final housekeeping questions, and then we may be at the end of our questions.

Apart from the members of the Transitional National Council that were in Libya, were there any local Libyans that were assisting Envoy Stevens?

A Yes.

Q Okay. And was it more than one person?

A There's one person that stands out, but I can't talk about other contacts he may have had outside of what I saw.

Q And was that person [REDACTED]?

A Yes.

Q And what role did he play?

A We kind of called him a fixer. He would help facilitate things for us. He spoke Arabic, so that got us one other individual that could speak the local language for us besides Nate. And, also, he

just -- if we needed something, he could give us a way to get what we needed and help facilitate things for us.

Q Was he a daily presence for you?

A I didn't have a lot of interaction with him, because most of my time, unfortunately, was spent in the TOC, you know, looking outward, you know, back home. But I do know that he wasn't there immediately, but he did have a lot -- as we were there longer, we had more interaction.

Q And he was a trusted source for you all?

A My understanding is yes.

Q Okay. At the time you arrived in Benghazi, were you aware of any other U.S. Government personnel in Libya?

A No.

Q Okay. Let me make sure. Are you saying that there were no other U.S. personnel in Libya or you just were unaware of any?

A My understanding is that there were no other U.S. Government personnel in Libya when we arrived.

Q Okay. [REDACTED]

A [REDACTED].

Q Okay.

Ms. Betz. [REDACTED] ?

Mr. Evers. No.

Ms. Betz. Okay.

BY MS. BETZ:

Q I want to go back to when you were describing the physical security of the hotel, the Tibesti Hotel, and you talked about individuals who were in the parking lot or who were maintaining access or regulating access into the parking lot and into the hotel. Were those Libyans that were doing that or performing those?

A They were locals, and they weren't -- there were a lot of immigrants that were there, you know, third-country nationals that come to do different construction jobs. I can't guarantee that they were Libyan nationals, but they were local people.

Q Let me ask you this. Were they members of the local militia?

A I don't know. I didn't interface with them. [REDACTED] and the other gentlemen did more. They could speak to that a little better.

Q So in terms of Feb. 17, those individuals or members of that particular militia, you did not have any interactions with them?

A No.

Ms. Jackson. Anything else?

Ms. Betz. No.

Ms. Jackson. Agent [REDACTED], I think that's all the questions we have for you today.

Why don't we go off the record. We'll take a short break and we'll switch seats and let our minority colleagues take over.

Mr. [REDACTED]. Okay.

[Recess.]

Mr. Desai. Let's go back on the record. The time is

approximately 12:26.

Good afternoon, Special Agent [REDACTED]. I wanted to reintroduce myself. I'm Ronak Desai. I'm one of the counsels with the minority staff of the select committee. I'm joined today by my colleague, Erin O'Brien. And on behalf of the entire staff and the members of the minority, I want to thank you for your appearance here today. I also want to thank you for your service and ongoing service to our country.

Let me apologize in advance. There is a good chance that we are going to retread some of the ground that we covered in the last hour with my colleagues from the majority. That's just to make sure that we've clarified the record and captured the full extent of your response.

There's also a good chance I may ask you some questions that have answers that may seem obvious to you. Again, it's just for the purpose of clarifying the record, explaining acronyms and whatnot. So please bear with me as we begin.

EXAMINATION

BY MR. DESAI:

Q So just to start off and to make sure I have the timeline of your involvement with Benghazi clear, if I understood you correctly, you got a phone call in March of 2011 about serving in Benghazi. Is that right?

A Yes.

Q And that's when you were on the Quantico base still in Active Duty. Is that correct?

A No. I was in the Reserve drilling status.

Q Reserve? Okay. And that was, you said, around the first weekend of March or so. Is that correct?

A Most likely.

Q And the individual who called you, who was that again?

A That was our assistant special agent in charge at the Washington field office [REDACTED].

Q And Mr. [REDACTED] asked you to go over to Benghazi for a TDY. Is that correct?

A Correct.

Q And that took place, you said, probably on a Friday or so or -- Friday?

A Yes.

Q And then you actually departed physically for, I believe, Malta next the following Thursday. Is that correct?

A That's my recollection.

Q And in the intervening 6 days or so there was, from what you described as the whirlwind of planning and whatnot for that trip that would ultimately go from Malta to Benghazi. Is that correct?

A Correct.

Q Okay. Mr. [REDACTED] conveyed to you that the TDY would last around 60 days. Is that correct?

A Yes.

Q Did he give you an indication of why he was giving you a 60-day estimate of how long that would last?

A No.

Q The thing that I wanted to clarify is the 60-day estimate that he conveyed, that was for how long your TDY would last, not necessarily how long the Benghazi expedition would last. Is that correct?

A Correct.

Q So it was your understanding that the expedition, if it materialized, could last longer or could last shorter, but your potential involvement being on duty on this TDY could be around 60 days. Is that correct?

A Yes. My understanding is that 60-day was in reference to my involvement.

Q Okay. Now, I know my colleagues in the majority discussed with you to some extent about some of the communication that you and members of your team had with the Defense Department with respect to the upcoming Benghazi mission. Do you recall that?

A Yes.

Q And from what I recall, it seems as if there was some communication that took place between yourself and other members that were going to go to Benghazi while you were in Malta. Is that correct?

A "Other members" meaning whom?

Q Of your team that was going to Benghazi.

A So we are all in Malta together. So we communicated amongst ourselves.

Q Okay. So you guys communicated amongst yourselves. And

then did you ever communicate while you were in Malta with anyone from DOD about the upcoming mission to Benghazi?

A It's possible, but I don't recall it.

Q Okay. And do you recall whether or not any of your other team members with you who were in Malta that would be going to Benghazi communicated with anyone from -- anyone at DOD about the upcoming mission to Benghazi?

A I don't believe so.

Q Okay. Once you were in Benghazi, was there any communication between either yourself or members of your team with individuals from the Defense Department regarding the mission in Benghazi?

A Yes.

Q And do you recall who were part of those communications were with the Department of Defense?

A It was probably myself, and then [REDACTED] and [REDACTED] would also have been involved. But since I was there the whole time, I was the primary conduit.

Q Okay. And just to step back, while you were in Malta, you were there from, it sounded like, sometime between mid-March to about early April. Is that correct?

A Yes.

Q And I think you had told my colleagues earlier that Special Envoy Stevens and the agent in charge, Mr. [REDACTED], did not arrive to Benghazi until early April? So they didn't get to Malta until about

the end of March. Is that correct?

A End of March, early April.

Q Okay. Is it possible that either Special Envoy Stevens or Mr. [REDACTED], while they were in Malta -- rather in Rome, you said they were, I think, right?

A That was my understanding.

Q While they were in Rome, is it possible they were potentially communicating with individuals from DOD about the mission in Benghazi?

A Yes.

Q Okay. So it's possible they had communications with DOD along these lines?

A Yes.

Q All right. You mentioned a gentleman in the last hour with my colleagues, a Mr. [REDACTED]. Am I getting that correct?

A I believe that is his name, yes.

Q And please remind me what his function was as a part of your team while you were in Malta.

A He was going to do a physical security survey of any facility that we would end up occupying.

Q In Benghazi?

A Yes.

Q Okay. And I believe you told my colleague that he ended up not coming with the team from Malta into Benghazi? Is that correct?

A Yes.

Q And you don't know the reason why he didn't come from Malta to Benghazi. Is that correct?

A I do not understand -- I do not know why he didn't come to Benghazi.

Q Okay. So this gentleman, I guess, was tasked with doing physical security surveys for where that mission would ultimately be posted for some period of time in Benghazi. Were there other members of your team in Benghazi that you felt as if had the same capabilities to make these types of physical security assessments to do this kind of work in Benghazi?

A So as agents, particularly agents who have been trained to serve overseas, they would have training and professional knowledge to be able to conduct a physical security assessment.

Now, I can't speak to whether it would be to the same standard or what, but that is a core competency of a fully trained overseas DS agent.

[12:32 p.m.]

BY MR. DESAI:

Q Okay. So in the absence of Mr. [REDACTED] being in Benghazi, you felt as if there were other members of your team in Benghazi that could still discharge the same function of doing the site surveys for potential sites in Benghazi. Is that right?

A It wasn't something I thought about, but, yes, there were other individuals that could do that.

Q Okay. And ultimately, so I think you said once you arrived in Benghazi around April 5th, 2011. Is that right?

A Yes.

Q You guys arrived by ship. You stayed on the ship, you said, for a couple of days, if I'm not mistaken, and then ultimately members of the team were sent out to do site survey to find a site for the mission. Is that right?

A Yes.

Q And ultimately I believe it was the Tibesti Hotel, that was ultimately decided upon as that site?

A Yes.

Q Okay. Do you have any insight as to how that hotel was chosen to be the site for the mission?

A If you asked me like 5 years ago, I might recall the conversation.

Q I understand a half a decade has passed, so I understand.

A Right. But I wasn't part of that process, so I can't speak

to the specific qualities of that hotel vice another hotel.

Q You do recall members of the team who were tasked with doing this weighing the pros and cons of this hotel versus that one and making assessments as to which venue would ultimately be the right one under the circumstances for the mission. Is that correct?

A Yes.

Q And do you recall that those individuals who were part of those conversations, they ostensibly had the expertise and the judgment to make these decisions as to which site would be the appropriate one for the mission?

A Yes. The individuals who made the ultimate decision would have been [REDACTED] and [REDACTED], and also with Mr. Stevens, all of whom had served in overseas tours and were experienced agents.

Q And you don't recall disagreeing with their ultimate selection of the Tibesti Hotel as being the appropriate venue for the mission at the time. Is that correct?

A I did not disagree with them.

Q [REDACTED] was the agent in charge. Is that right?

A Yes.

Q And Mr. [REDACTED], can you just remind of his title?

A He was our shift leader.

Q Now, once you arrived in Malta -- I know we're kind of going back and forth and I apologize -- you arrived there sometime in mid-March and were there for a couple of weeks until your departure by ferry on April the 4th or 5th of 2011. Is that correct?

A Correct.

Q And I think one thing that you had told my colleagues in the last hour is that while you were in Malta there was monitoring of the situation in Libya and even at one point there was talk about canceling the mission completely. Is that right?

A Yes.

Q And do you recall why there was talk of canceling the mission completely? What gave rise to this prospect taking place?

A I don't remember the specifics. All I remember was there was a lot of ebb and flow and a lot of uncertainty. And I just remember one day we were going to go back to the States. The other day we were going to go to Benghazi. I don't remember the specifics. And lots of time we weren't necessarily privy to the specifics of why.

Q You talked just about ebb and flow, and I think in the last hour you also said that the situation in Libya was a fluid one. Is that correct?

A Yes.

Q So with these decisions being made about whether to go or not or when to go into Benghazi, at what period, the developments on the ground, this fluid situation tends to be governing that ultimate decision of when to go or whether to go at all. Is that correct?

A That was my understanding.

Q And is that security-related, are those security-related decisions that the situation on the ground in Benghazi right now is not safe enough to permit us to leave today or the situation has gotten

less dangerous where we can go maybe next week? Were these security-determined decisions that were taking place during this fluid period?

A Partially, but there's also a policy aspect to it as well. If the TNC is destroyed by Qadhafi, there's no reason to go. So it would be both security and policy-related decisions.

Q And who was ultimately, if you were aware, making these decisions as to whether or not to go or when the team would ultimately be inserted into Benghazi?

A I'm not aware of who was the ultimate decisionmaker.

Q Ultimate adjudicator. But is it your understanding that whoever it was or the collection of individuals who it would be that would be making these decisions, they would be incorporating both policy and security considerations into that decision?

A That would be my hope, yes.

Q And you have no reason to think otherwise, that that's not what they were doing in terms of making these decisions?

A No.

Q One thing you also told my colleagues, I believe in the last round, was that you and your team were internally focused, I believe is what you had said, and that it was your job to ensure that Special Envoy Stevens could do his job. Is that correct?

A Correct.

Q And what was your understanding of what Special Envoy Stevens' job was once he would be in Benghazi?

A My understanding was that the Secretary of State and the President needed to make a decision as to what the country wanted to do related to Libya, but they lacked information to do so. And Mr. Stevens' role was to provide insight as to the TNC to inform senior-level decisionmaking.

Q And do you have any insight as to why Mr. Stevens was chosen to be the Special Envoy to discharge that function as you see it?

A I've heard multiple things, but I wasn't privy to the decision, so I can't cite specifics.

Q Did you hear multiple things back then or after the fact?

A After the fact.

Q And what did you hear, just out of curiosity?

A Prior service in Libya, experienced diplomat, those sorts of things.

Q Once you arrived in Benghazi, I think you said, there was no official delineation of responsibilities, but that the agents that were a part of the team that you were also a part of had different roles that you assumed somewhat organically. Is that right?

A Correct.

Q And I think you had identified yourself as being the communications individual for the team more or less. Is that right?

A Yes.

Q And you had enumerated the various roles that people would have and that you would stay back in the TOC -- what does that stand for?

A Tactical operations center.

Q So you would be the individual that would stay back while the other agents, for example, would go on a movement with the Special Envoy. Is that correct?

A Correct.

Q Did you ever go on a movement with Special Envoy Stevens in the time that you were in Benghazi?

A May have. Most of the movements I would do, they took pity on me and would get me out, would be if he was in for the day and our USAID colleagues needed to make a movement, then I would go out with them, because we couldn't do multiple movements. So generally when I got out, it was with our USAID colleagues.

Q And did Special Envoy Stevens, if you recall, ever talk to you about what his views were on the purpose of his role as Special Envoy or about the mission in Benghazi that you were a part of at that time?

A No. And honestly that would not have been an appropriate conversation for me to have with him.

Q Why do you say that?

A Just my role vice his role. He was more senior. I did have very good conversations with him, but I don't think it would have been professionally appropriate for me to have gotten into a policy-related discussion.

Q But he never discouraged you from having a policy discussion with him, for example, this was just your assessment that as a more

senior official, that there were lines and you should keep your conversations limited to certain topics. Is that right?

A Correct.

Q He never indicated that he didn't want to talk to you about policy or anything else. Is that correct?

A Correct.

Q In the last hour, my colleagues also discussed with you some security incidents, and I know they provided some documents to guide our discussion. If I can just direct your attention, for example, to exhibit 2.

And I know they had indicated that you weren't a recipient or a sender of this email, but this email had generally outlined what appears to be this development that takes place just a couple days after the Benghazi expedition arrives in the city. And it looks like here, if I recall correctly and just reading the document, that there was a concern that Qadhafi forces were going to take control of Ajdabiyah. Am I pronouncing that correctly?

A Ajdabiyah was generally how we pronounced it.

Q Shouldn't have asked. The record would have never known.

And initially between the 7th and the 10th -- and you talked about conflating these two events during this time -- that there was talk about actually evacuating, you said, I believe, the TOC was actually packed up and moved to the ship at one point, but then a decision was made not to evacuate. Is that correct?

A Correct.

Q Were you a part of the decisionmaking with respect to whether or not initially there should have been an evacuation back to the ferry?

A I wouldn't couch it as an evacuation back to the ferry. I was part of the decision to displace the TOC to the ferry to help facilitate, to help give us options. So I wouldn't characterize it as evacuation, but I was part of the decision to displace the TOC to the ferry.

Q And you supported that decision to displace the TOC back to the ferry. Is that right?

A Yes.

Q And then ultimately there was a decision to unpack and go back to the Tibesti Hotel after you had been dispatched to the ferry initially. Is that right?

A Yes, yes, we did go back to the hotel.

Q And who made the decision to go back to the hotel?

A I don't recall.

Q Did you make that decision to go back to the ferry, would that have been -- or to go back to the hotel rather -- would that have been something that you would have been tasked with doing, or would that have been someone else in the decisionmaking tree?

A [REDACTED] and [REDACTED] and Mr. Stevens would have made the ultimate decision as to moving back to the hotel.

Q And did you agree with the decision to move back to the hotel at this point?

A Yes.

Q And you didn't disagree with the decision to go back?

A Not that I recall.

Q And if you had disagreed, would you have expressed your disagreement to Mr. [REDACTED] or Mr. [REDACTED] or someone else who had the appropriate decisionmaking authority?

A Yes, I would have expressed myself through my chain of command.

Q And then if I can redirect your attention, I believe it is to -- it's exhibit 4. And this was an exhibit that my colleague showed you in the last hour that appears to be the notes of an EAC from April the 15th, 2011, that was drafted by you, cleared by Chris Stevens and [REDACTED], and it enumerates, looks like, two or three incidents that we had discussed in the last hour.

Did any of these incidents, whether it's the raid conducted by TNC forces netting an unspecified amount of military grade explosives that were being potentially used to target the hotel, or the second incident regarding the U.N. mission security officer about an explosive outside the hotel, or this last incident, did any of these, from what you recall, trigger or prompt an evacuation out of Benghazi?

A No. We did not evacuate out of Benghazi.

Q And if you know, why not?

A Because we felt we could mitigate the issues that were raised or that the issues that were raised weren't directed towards us.

Q And you talk about mitigation, and it appears that in the bottom of the document, and I'm just quoting here, "After discussing these incidents, the EAC decided to take the following actions." And there are about four action items listed here. Would some of these constitute some of these mitigation measures that you just mentioned to me?

A Yes.

Q And from what you recall, were these measures pursued and implemented?

A I know they were pursued. Whether or not -- how effectively they were implemented, particularly the first two related to working with the TNC and hotel security, I wasn't directly involved with that, so I can't speak to those first two. But the more internally focused ones, I do recall they were implemented.

Q So from what you recall, there was a decision that despite these incidences having occurred that you had drafted as part of this report, that the mission could still continue forward because there could be mitigation measures pursued and that ultimately the team there could deal with what was happening and move forward. Is that right?

A I'm sorry. I kind of lost you there towards the beginning.

Q The syntax tends to be a little bit of a problem in run-on sentences. I was just saying that I think what you had told me just a few minutes ago was that despite these incidents having occurred, there was still a decision to stay put and not evacuate, correct?

A Correct.

Q And one reason that you identified behind that was because the team felt or there was a decision made that despite this taking place, there was a way to mitigate what was happening and still continue forward with the mission as long as it was dealt with appropriately. Is that correct?

A Correct.

Q And did you ultimately agree with the decision not to evacuate based on these incidences taking place?

A I don't recall whether I agreed or disagreed. I mean, at a certain point at my level, I mean, I'm there to do a job, and if I'm told to do the job, I'm going to do the job. I don't recall having a lot of heartburn about this issue.

Q Even at your level -- and again this is a question I asked in a different context just a few minutes ago -- even at your level, if you had disagreed or if you had felt uncomfortable or felt as if it was the wrong decision, you felt comfortable going to your chain of command and expressing that discomfort or disagreement. Is that correct?

A Yes.

Q So you arrived in Benghazi around April the 5th, 2011, and you said you were there for about 30 days or so. Is that correct?

A Yes.

Q And so you would have departed around May the 4th or May the 5th of 2011. Is that right?

A Yes.

Q And then I think you told my colleagues in the last hour that you had about a month before you were activated again for service. Is that correct?

A Correct.

Q And that service lasted for how long?

A Approximately a year.

Q A year.

Once you left Benghazi in early May 2011, did you maintain any official involvement with Benghazi or the mission there upon your departure?

A No.

Q Did you ever ask to be kept apprised of what was happening with the mission or the mission moving forward?

A Not officially, but, I mean, I had colleagues, kind of a, "Hey, man, let me know what's going on, let me know if you're okay" type contact.

Q But nothing in an official capacity. Is that right?

A Correct.

Q My colleagues, I think, also asked you in the last hour about whether or not the mission would be extended, under what circumstances the mission could potentially be extended. And I think one thing you had said was that if the decisionmakers involved in this felt as if that the mission was bearing fruit -- fruitful, I think, was the word you used -- that it would be extended. And I think you had tested that at least in your view -- or in their view -- it had been fruitful. Is

that right?

A Yes, in their view. I mean, I didn't make an assessment whether we were doing what we needed to do or not. But in terms of their view, it was my understanding, yes.

Q What was your understanding of why they thought that? What was fruitful to them that would have resulted in them making the decision to extend the mission further beyond a previously prescribed date?

A I can't really answer that question. You know, I come to that assessment by the fact we were still there, so therefore they must think it's being fruitful because we're still here.

Q I believe my colleagues in the last hour also asked you about the ARB. Just as an initial matter, did you speak to the Accountability Review Board once it was convened?

A I did not.

Q And why didn't you?

A I wasn't asked to.

Q Did you feel as if you had information that would have been useful to the ARB as part of its investigation?

A No.

Q And that's the reason why you didn't, for example, come forward and say, "Hey, I want to talk to you guys about what happened in Benghazi." Is that right?

A Correct. And my understanding is they were looking at the attack, and I was there a significant period before then. So I didn't

feel I had any relevant information.

Q There have been just a handful of allegations that have surrounded the ARB that have been propounded by some individuals, and I just want to ask you about them just, again, for purposes of the record, because we usually ask most witnesses that appear before the committee. Were you ever asked or ordered not to provide information to the ARB?

A No.

Q Were you ever asked or ordered to conceal or destroy information from the ARB?

A No.

Q And were you ever asked to participate in a document review session related to the attacks?

A No.

Mr. Desai. Can we go off the record for 1 minute.

[Discussion off the record.]

BY MR. DESAI:

Q In the last hour, I know my colleague, I believe, asked you a question with respect to whether or not you believed that security needs to be a key factor in decisionmaking in these contexts. Do you recall that?

A Yes.

Q And I believe you answered in the affirmative. Is that right?

A I did.

Q During your time in Benghazi for those 30 days, and even in the weeks preceding it while you were in Malta, did you feel as if security was one of the primary factors that was being incorporated into the decisionmaking at that time?

A Yes. That was one thing I was very impressed about with Mr. Stevens, is he backed us up, which is something a DS agent would like to see in a principal officer. If [REDACTED] told him, "Sir, we think this is a bad idea," I remember one instance when I was out at a location and he was intending to come, and I called back and I said, "This is not a good idea, you shouldn't come," and he didn't.

So he took it very seriously. He empowered us. And so, yes, security was key -- security was taken very seriously.

Q I'm going to shift gears, and we're almost at the end.

As you may be aware, this is the eighth congressional investigation into the Benghazi attacks and we want to make sure that it's the final and definitive one. So toward that end, what we're doing is -- there have been a number of public allegations that have been made in connection with the attack and the subsequent investigations, and as a result, what we are doing is asking every witness that comes before this committee about those allegations.

And anyone can speculate about the Benghazi attacks. Everyone has an opinion about them. What we're interested in is actual knowledge with respect to these allegations. And what I'm going to do is tell you what the allegation is and then ask you whether or not you have any direct information or evidence to support that allegation.

And if you don't have any, I'll just move on to the next allegation until we're out of allegations.

There's a dozen or so, so I'm going to ask your indulgence because it takes a bit of time. But if you have any questions at the interim, just let me know and we can pause. If you want me to repeat the allegation, because some of them are somewhat Byzantine and have more complex syntax than I do, just let me know, and we can go over them again.

Any questions before we start?

A No.

Q I'll start with the first allegation then.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington

Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Colonel Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found, quote, "no support for this allegation," end quote.

Do you have any evidence to contradict the House Intelligence

Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the

course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents that were provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that the CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the

Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Mike Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made, quote, "an intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was, quote, "missing in action," end quote.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to

provide security and medical assistance in their current location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Chairman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attack after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Chairman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Mr. Desai. I think with that, we're done. Again, thank you so much for your appearance. We can go off the record.

[Discussion off the record.]

Mr. [REDACTED]. Thank you for giving me the opportunity to talk to you all today. I mean, this incident -- my time in Benghazi, I'm very proud of what the men and women that I worked with there did. I think there are great people all around the world that do amazing work on the part of our country, often without any fanfare, and I was happy to be part of it for a brief period of time.

And Mr. Stevens was someone that I respected very highly, and I hope if my participation today can help in any way, I would hope that it does.

Ms. Jackson. I think we can speak for the whole committee that one of the reasons that we want to do a thorough job is to do whatever Congress can do to ensure that another Benghazi doesn't happen again. And if there are recommendations that this committee can make to improve things, we want to make those recommendations.

And so we are appreciative of your coming here today, talking to us about your experience, and offering your thoughts about things. So thank you very much. The DS agents who were there were extraordinary.

Mr. [REDACTED]. Thank you.

Mr. Desai. Thank you.

[Whereupon, at 1:07 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 94 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

* see cover page



Witness Name

5/11/16

Date

EXHIBIT 1

This exhibit was not cleared for public release.

EXHIBIT 2

C05395578-MOU

From: [REDACTED]
Sent: Thursday, April 07, 2011 1:31 PM
To: S_SpecialAssistants; P; D(S); D(N); M_Staff; SES_DutyDeputies
Cc: SES-O_SWO; [REDACTED] Sanderson, Janet A; Schlicher, Ronald L; Feltman, Jeffrey D; [REDACTED] Tripoli Cooperation; [REDACTED] Cretz, Gene A; DS Command Center
Subject: FW: Stevens Update - April 7 at 1230
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Colleagues -
 Please find attached an April 7 PM update from Special Envoy Stevens.
 Kind regards,

[REDACTED]
 Senior Watch Officer
 Operations Center
 Department of State
 202-647-1512

From: [REDACTED]
Sent: Thursday, April 07, 2011 1:16 PM
To: Feltman, Jeffrey D; Sanderson, Janet A; Schlicher, Ronald L; Cretz, Gene A; SES-O_SWO
Cc: [REDACTED] Tripoli Cooperation; [REDACTED] Stevens, John C; RMTLibyaCE_DMO
Subject: Stevens Update - April 7 at 1230

SWO - can you please forward this to 7th floor principals/staff? DS also should receive this

Chris Stevens provided the following update at 1230 today.

Chris and team held an EAC this evening to review their security posture & contingency planning in light of pro-Qadhafi assaults on Ajdabiyah. Loss of Ajdabiyah to pro-Qadhafi forces is a tripwire that would prompt Chris to pull the team from Benghazi.

AFRICOM has confirmed that TNC forces remain in control of Ajdabiyah and have fortified their defenses. TNC troops are positioned 10 km west of the city. That said, Chris & team are concerned about the degree of panic among TNC leadership following the NATO friendly fire incident and the TNC's overall lack of military coordination.

Given the above, EAC reviewed the following contingency options:

- 1) Ferry will stay in Benghazi in additional three days, until the morning of April 11. (Original DART contract included the provision for an extra three days.) Ferry provides an easy option for removing the team & all equipment.
- 2) DART contracting officer is exploring aircraft evacuation options, either a large cargo plane or a small passenger plane. Either option would take 24-36 hours to put in place.
- 3) DoD extraction

- 4) Driving east, to either safer Libyan territory or all the way to Egypt.

DS team has 24-hour coverage of their primary sat phone, [REDACTED] and is in contact with AFRICOM.

I'll let you know if the situation changes.

SBU

This email is UNCLASSIFIED.

EXHIBIT 3

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Kennedy, Patrick F </O=SBUSTATE/OU=HR
AG/CN=RECIPIENTS/CN=KENNEDYPF>
Sent: Sunday, April 10, 2011 9:30 AM
To: Steinberg, James B <SteinbergJB@state.gov>; Nides, Thomas R
<NidesTR@state.gov>; Mills, Cheryl D <MillsCD@state.gov>; Sullivan,
Jacob J <SullivanJJ@state.gov>
Subject: Fw: Stevens mission planning to abort

----- Original Message -----

From: Cretz, Gene A

Sent: Sunday, April 10, 2011 06:06 AM

To: Feltman, Jeffrey D; Schlicher, Ronald L; Kennedy, Patrick F; Burns, William J; Sullivan, Jacob J [REDACTED]

[REDACTED]; Boswell, Eric J [REDACTED]

Subject: Stevens mission planning to abort

We have bEen in touch with chris. It appears that qadhafi forces are at the eastern and western gates of adjdabiyah and that there is a real possibility of the city falling. That development is the tripwire we had set up for aborting the mission and sailing out. Chris should know better in the next 2 hours. Should he and DS decide to leAve they will need to have guidance as to where to go. We are working on contingency press guildance should he have to leave In accordance with the policies and procedures outlined in Executive Order 12958, this e-mail is UNCLASSIFIED

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 4

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: [REDACTED] on behalf of DS Command Center
Sent: Friday, April 15, 2011 5:54 PM
To: DSCC_C DS Seniors; DS-IP-NEA; [REDACTED]
Cc: DS Command Center; [REDACTED]
Subject: Benghazi EAC Report
Attachments: EAC Report.docx

AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Benghazi EAC Meeting 15 April 2011

On 15 April 2011, US Mission Benghazi convened an Emergency Action Committee (EAC) meeting to address several security issues that occurred or were reported during the past 12 hours. The meeting was called by Special Envoy Chris Stevens and was attended by all members of the Benghazi Mission.

The first incident of concern was a report received from a contact in the British Mission relating to a raid conducted by TNC security forces that netted an unspecified amount of military grade explosives along with information indicating that the Tibesti Hotel was a potential target. The Tibesti Hotel is the current living and work space for the US Benghazi Mission. A second source, a Libyan associated with the February 17 Brigade security apparatus (de facto police force in Benghazi), verified that they had conducted a raid in a neighborhood in Benghazi called Nowagia on 12 April 2011. During that raid, they arrested 9 individuals and found an unspecified amount of TNT. This source said there was no information regarding the Tibesti Hotel but rather the "courthouse" and Freedom Square were the most likely targets. Both are locations directly related to the TNC.

The second incident was a report from the UN Mission's security officer that at 1740 on 15 April 2011 two explosives had detonated outside their hotel, the El Fadeel, and that one individual was in custody. The El Fadeel Hotel is utilized as by the UN and British Missions in Benghazi. A member of the British Mission's security team confirmed the two explosions and mentioned they may have been hand grenades. The February 17 Brigade source verified that explosions did occur outside the El Fadeel, but were not grenade; rather they were explosives utilized locally for fishing. Furthermore, they were accidentally detonated in an area across from the hotel, and they were not part of any attack.

The final incident was a large fire and pillar of smoke visible from the Hotel Tibesti. The smoke and fire were noticed at 1825. The scene of the conflagration was southwest of the Hotel Uzo. The Hotel Uzo is occupied by a large contingent of international media. According to the February 17 Brigade source, the fire was not part of any attack, but was most likely an act of arson to cover up a theft from a building. The building was reported to be utilized to store explosives used for fishing.

After discussing these incidents, the EAC decided to take the following actions:

- In upcoming meeting with TNC officials, the mission will request to have a dedicated security liaison, additional security to be assigned to the Tibesti Hotel, and an escort vehicle for motorcade movements upon request.
- Mission security personnel will work with hotel security and TNC security to identify and mitigate any security shortfalls at the Hotel Tibesti.
- Members of the mission will avoid congregating for unnecessary periods of time, to include meetings with contacts, on the ground floor near the front entrance of the hotel. These meetings will be conducted in the office space of the delegation.

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 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

- Members of the security team will conduct counter surveillance to identify any surveillance of US Mission personnel.

Drafted: Cleared: Chris Stevens and ' r

SBU

This email is UNCLASSIFIED

-----Original Message-----

From: [REDACTED]
 Sent: Friday, April 15, 2011 5:03 PM
 To: Sanderson, Janet A; [REDACTED] Cretz, Gene A; SWO
 Cc: [REDACTED] Tripoli Cooperation
 Subject: FW: Benghazi EAC report-Please disregard previous e-mail

Please see attached readout on Benghazi EAC meeting today. Some clarification of the security incidents reported earlier via email.

This email is UNCLASSIFIED-----Original Message-----

From: [REDACTED]@ugov.gov]
 Sent: Friday, April 15, 2011 4:21 PM
 To: [REDACTED]
 Subject: Benghazi EAC report-Please disregard previous e-mail

Lady and Gentlemen,

Attached is the report from today's EAC meeting.

Respectfully,

[REDACTED]

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

April 15, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA-SCA/EX - [REDACTED] Executive Director

SUBJECT: Request for Permission for TDY Travel of USG Personnel to Libya
 During Suspended Operations to Accompany Special Envoy Stevens

Recommendation

That you approve the request for U.S. Government personnel listed on the attached spreadsheet to travel to Libya during Suspended Operations as part of Special Envoy Stevens' security detail. NEA-SCA/EX will send notification of decision via record email.

Approve [Signature] Disapprove _____

Background

Embassy Tripoli went on Authorized Departure on February 20, 2011, upgraded to Ordered Departure the next day, and suspended operations on February 25, 2011. Post remains on Ordered Departure through April 20, 2011. Diplomatic Security requests that the personnel named in the attached list travel to Libya as part of Special Envoy Stevens' security detail.

Attachment

Tab - List of Personnel Requesting Travel

UNCLASSIFIED

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
 REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 6

From: Abedin, Huma <AbedinH@state.gov>
Sent: Sunday, April 24, 2011 10:25 AM
To: H
Subject: Fw: Stevens update

----- Original Message -----

From: [REDACTED]
Sent: Sunday, April 24, 2011 07:51 AM
To: Sullivan, Jacob J; Abedin, Huma; Wells, Alice G; S_SpecialAssistants
Subject: Stevens update

- **Security:** Today's focus is on the security situation in Benghazi. There is new local reporting that hotels are being targeted. The TNC conducted a raid on a house/storage facility and found and arrested an Egyptian cell reportedly there for the purpose of attacking hotels. It is believed they were connected to the cell arrested last week, and that interrogation of those arrested earlier led to this round of arrests. Ahmed Qadafadam, cousin of Qadhafi who was envoy to Egypt (and was rumored to have defected), is purportedly the funder and organizer of this cell.
- **CA updated its travel guidance** to tell travelers to stay away from the Fadihl Hotel. Stevens will inform the TNC this afternoon. [NOTE: for your reference, I appended the new WM at the end of this email.]
- **Stevens will be meeting with MFA** in one hour and will make a written request for better security at the hotel and for better security-related coordination. He still feels comfortable in the hotel. They are looking into the idea of moving into a villa, but that is some way off. Need to consider resource requirements (would need TDY'er with authority to sign lease, hire local guards, etc.). Based on discussion with DS yesterday, the hotel remains the safest location. Stevens will continue to work to have the TNC post more people outside and beef up security presence. They have a good set back and are way off the ground.
- **Flights:** Stevens checked with head of the airport. There are no regular humanitarian or other flights, however, there are flights coming in, and the airport could support an air bridge if any country wanted to set one up. Stevens will see his European counterparts this afternoon and will ask how they are bringing in their people and whether we can be part of it.
- **Trip to Rome:** Stevens doesn't know yet if Jalil is going to Rome. As of now, he's inclined not to go but he might change his mind. If the Department thinks he ought to go, Stevens can pass that message. As it stands now, Mahmoud Jabrii and Ali Tarhouni will be going.
- **Misrata:** Stevens spoke with Brig. Gen. Hassi re Misrata. The general was pretty clear that the ostensible move by Qadhafi forces out of the area is a ruse. They are withdrawing troops so they won't be hit by NATO, but will send them back in in civilian clothing so they can continue killing that way. Hassi said the assertion Qadhafi would leave to the tribes to resolve was ridiculous because there are no armed tribes around.

EXHIBIT 7

C05396337-MOU

From: [REDACTED]
To: [REDACTED]
Subject: FW: BENEX Recovery Capability
Date: Monday, April 25, 2011 11:48:15 AM

[REDACTED]
Not sure if this is helpful for you or not.
[REDACTED]

[REDACTED] Lt Col, USAF
Office of the Secretary of State
Executive Secretary
Military Advisor, S/ES-O
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Monday, April 25, 2011 8:51 AM
To: [REDACTED]
Subject: RE: BENEX Recovery Capability

FYI - saw this exchange between DS and AFRICOM from Saturday...but didn't see a response from DS leadership.

SBU

This email is UNCLASSIFIED-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@ugov.gov]
Sent: Saturday, April 23, 2011 9:50 AM
To: AFRICOM JOC Personnel Recovery
Cc: DS Command Center; [REDACTED] AFRICOM JOC Operations Officer; [REDACTED]
Subject: Re: BENEX Recovery Capability
[REDACTED]

Thank you for the feedback, and can certainly appreciate your concerns. Unfortunately, I am not in the position to speak to some of these issues. We have sent a contingency plan back to our department for review, but are not able to distribute it since it has decision points that need to be addressed by our higher. I suggest that AFRICOM reach back to the Bureau of Near Eastern Affairs and the Bureau of Diplomatic Security/Protection/Dignitary Protection through our POLAD and DS LNO at AFRICOM.

Again, we appreciate your support out here.
[REDACTED]

----- Original Message -----

From: "AFRICOM JOC Personnel Recovery" <[REDACTED]@ugov.gov>
To: [REDACTED]
Cc: "DS command center" <DS.command.center@state.gov>, [REDACTED]@state.gov, "AFRICOM JOC Operations Officer" <[REDACTED]>

Sent: Saturday, April 23, 2011 7:05:40 AM
Subject: BENEX Recovery Capability

All,

The loss of the AGEAN PEARL on 25 APR due to crew and fuel issues necessitates a review and update of your evacuation and emergency extraction plans.

The increase of the BENEX team to 16 impacts DoD emergency recovery capabilities.

[REDACTED]

Recommendations for your review, please provide feedback ASAP:

Uncontested Evacuation:

P:
A:
C:
E:

Contested Evacuation:

P:
A:

v/r

[REDACTED]
US Africa Command
Personnel Recovery Specialist

[REDACTED]

**INTERVIEW OF
BRIGADIER GENERAL
PATRICK MORDENTE**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 28, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

MAC TOLAR, *Senior Counsel*

CARLTON DAVIS, *Counsel*

SHERIA CLARKE, *Counsel*

PETER KENNY, *Minority Senior Counsel*

SHANNON GREEN, *Minority Counsel*

FOR THE U.S. DEPARTMENT OF DEFENSE

WILLIAM HUDSON, *Office of the General Counsel*

FOR U.S. TRANSPORTATION COMMAND

* * *, *Director, Legislative Affairs*

Mr. Tolar. Let's go on the record please. This is the transcribed interview of Brigadier General Patrick Mordente, United States Air Force, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress as well as House Resolution 5 of the 114th Congress.

Sir, would you please state your full name for the record.

General Mordente. My full name is Patrick Xavier Mordente.

Mr. Tolar. Sir, we appreciate you being here, and thank you for your service.

General Mordente. Thank you.

Mr. Tolar. Again, my name is Mac Tolar and I'm with the committee's majority staff.

At this time I'll ask everyone in the room to please introduce themselves, starting with my left.

Ms. Clarke. Sheria Clarke. I work for the majority.

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Hudson. Bill Hudson, Office of the General Counsel of the Department of Defense.

Mr. Richards. Edward Richards, DOD OGC.

Mr. (REDACTED) (REDACTED) U.S. TRANSCOM, Legislative Affairs.

Mr. Davis. And I am Carlton Davis. I work for Chairman Gowdy.

Mr. Tolar. Sir, as you can see, we have got an official reporter taking down everything we say in order to make a written record; accordingly, I would ask you to please ensure that your responses are verbal in nature. Try to use "yes," "no" as opposed to "uh-huh" and "huh-uh," those kind of things.

Also, I'm going to ask her to jump in any time that either of us start doing those kind of things.

Also understand that although you aren't under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this, sir?

General Mordente. Yes, I do.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

General Mordente. No, there's not.

Mr. Tolar. Thank you. That's the end of my preamble.

Shannon, do you have anything?

Ms. Green. No. Just thanks for being here.

Mr. Tolar. I've got 1:10 at this time. We're going to start the clock on the majority's first hour of questioning, please, sir.

EXAMINATION

BY MR. TOLAR:

Q If you would, sir, would you please -- I guess, first of all, have you ever been questioned about the events surrounding Benghazi and/or DOD's response to those events?

A The only time I've been questioned was the previous session that we had with you all in the Pentagon.

Q Okay. Just for clarity of the record, we're talking about a previous TRANSCOM briefing at the Pentagon to the Benghazi staff, correct?

A Correct. To you, to you all.

Q Correct.

A And then one other time was immediately post the event; not that I was questioned, but we -- we, TRANSCOM, recreated kind of a timeline of events that had happened that night, and that was passed up.

Q When you say, we created a timeline, what did you produce?

A It was a simple email that was -- from what I remember -- it's, again, three and a half years ago. It was, at this time, this event occurred, at this time, this event, kind of walked us through that evening event from a TRANSCOM perspective. It was a classified email. It was passed up. I gave that information over to the J3 and then I think it went up the chain. I couldn't tell you where it went from there.

Q Sure. Who initiated the request for that information?

A Could not tell you. I believe it was internal at the DOD, meaning AFRICOM, TRANSCOM, but I could not tell you specifically a name.

Q Do you know what the Accountability Review Board is?

A No, I do not.

Q Obviously you were never questioned by them?

A No, I was not.

Q Okay. All right. At this time, if you would, please walk me through your billets as a flag officer?

A As a flag officer, my first assignment was as the wing commander at Ramstein Airbase, the 86th Airlift Wing, which has both the operational airlift wing, it's also responsible for the installation at Ramstein and other locations.

Then following that tour, I came to Scott Air Force Base as the 18th Air Force Vice Commander. That was back in -- so Ramstein Wing Commander from June of 2013 to June of 2015, and then 18th Air Force Vice Commander from June of 2015 to present.

Q If you will, at this time tell me briefly what your responsibilities are as the vice commander of the 18th Air Wing?

A I act on behalf of the commander of the 18th -- you said air wing. Air -- numbered Air Force.

Q Excuse me.

A I act on behalf of the vice -- or the commander. I -- primarily we control -- or have operational control of the wings within Air Mobility Command for the global airlift mission and also the tanker mission. We also -- when we move contingency response groups or elements, they are moved from the expeditionary center under the operational control of 18th Air Force.

And we also have the operational control of what are called MSAS teams, which are training teams, so in other words, mobility Air Force on a global basis. The way the boss and I divide our duties is I

basically do day-to-day operations. So I keep an eye on worldwide ops, where the aircraft are going. If any kind of waiver requirements are needed, they usually come to me first.

Q Give me an example of a waiver requirement?

A Could be crew duty day. Quite common would be a basic crew that says -- has a 16-hour duty day and they want to go to 18. That requires a numbered Air Force commander to do that.

Q All right. Let's do this. Let's go ahead and talk about crew day versus crew rest --

A Okay.

Q -- if you don't mind. Explain the difference between the two, first of all, crew day versus crew rest?

A Okay. Let's start with, crew rest is the precursor to mission execution. So I have to go into crew rest, depending on the type of mission that I'm going to do.

Q Who has to go into crew rest?

A The aircraft crew.

Q Does that include the pilot?

A It's the pilot, it -- let's talk C-17. So you have pilots and you have load masters. That crew would go into a pre-mission crew rest. If they are leaving home station and entering into the system and they're going to leave home station on their mission, go overseas, say, they need a 24-hour pre-mission crew rest before they start out on that. The first -- I'll talk about waivers. The first 12 can be waived by the ops group commander, the next 12 would have to come

through a numbered Air Force level, so a general officer level for crew rest.

Q What is an ops group commander?

A Ops group commander, if you look at an airlift wing, you have a wing commander; under the wing commander are groups, there are different -- you could have a maintenance group, a support group, you have an operations group, and the operations group commander would be in command of the operation at his wing.

Q Okay.

A You then get into crew duty day. So I alert the crew. The crew has to go to the aircraft. They show, they begin to do their preflight operations, and they launch the aircraft.

A normal or basic crew in a C-17, for example, is allowed a 16-hour duty day. That can be waived up to 18 hours. That waiver authority rests with the 18th Air Force Commander. As I said previously, I can act on behalf of the commander, so those phone calls usually come to me.

There is also what's called an augmented crew, so you can put additional pilots, load masters, it depends on the aircraft frame you're talking about, where you would augment that crew, that would take them up to a basic -- or a crew duty day of 24 hours waivable to 26. And, again, that waiver would come up to the numbered Air Force to be able to do that.

Q If an Air Force -- we're just talking about for TRANSCOM aircraft, correct? This isn't an Air Force-wide policy, is it? Or

is it?

A Actually, it exists within the Air Force Instructions, the AFI's. So when we're talking mobility Air Force, those type of what I just went through, crew duty days are the same no matter what. So the C-130 at Dyess has the same pre-mission crew rest requirements and crew duty day times as the EUCOM USAFE C-130 at Ramstein.

Q So who has the authority for a C-130 assigned to SOF gear, who has authority to waive crew rest for that aircraft?

A That one, I couldn't -- that one, I couldn't answer. It would be an assumption, but it would probably have to go up to a general officer level for the -- with N-12 on the pre crew and then the duty day extension. They have little -- I think they have a different set of rules based on the missions.

Q Who's "they"?

A Special ops.

Q A C-130 assigned to USAFE, who could waive crew rest?

A Pre-mission crew rest?

Q Uh-huh.

A Seeing as the AFIs are similar, it would -- the pre-mission would be the OG initially for the first 12, and then it would have to go up to the numbered Air Force. So in the case of USAFE, that would be 3rd Air Force.

Q Okay. Same thing for crew duty?

A Crew duty extensions, I believe, would be run the same way.

Q All right. At this time -- you touched on it a little bit

in terms of the 18th Air Wing, but walk me through TRANSCOM, basically its mission as well as its structure.

A Okay. TRANSCOM is the defense transportation provider of choice. It has three components and one direct report.

Q And one what?

A It's a direct reporting unit called the JECC, Joint Enabling Capabilities Command. I can get to that in a second.

Its components, though, are Air Mobility Command, which I fall under in 18th Air Force; there is Military Sealift Command, and then there is -- which is the Navy's arm to TRANSCOM, and then there's the Surface Deployment Distribution Command, which is the Army's arm to TRANSCOM.

There is a direct reporting unit called the JECC, Joint Enabling Capabilities Command. They have some unique capability that resides within the JECC, some com capabilities, they have public affairs capabilities, they also have what are called joint planners. So they are -- kind of the best way I could describe them is a plug-and-play type capability.

So if you were suddenly going to do an operation in another combatant command and you needed planners that understood battle rhythms, planning cycles and things like that, you could take these joint planners out of the JECC, you could put them there. If you had some unique com requirements, because they have some pretty great capability in com, you could add those and plug those in to a combatant commander. For example, when we did Sandy, the hurricane in Sandy,

the public affairs piece and planners were moved in to help --

Q All right. So we've talked about the four elements of TRANSCOM. In terms of the surface deployment component, that's the Army element?

A Surface Deployment Distribution Command?

Q Do they own aircraft?

A They do not own aircraft. Flying aircraft?

Q Correct.

A No, not in their function as an SDDC.

Q What kind of assets do they have for moving personnel?

A Believe it or not, the Army moves more by ship than the United States Navy. They do what is called a liner service. MSC we'll get to in a second, I am sure, they do charter, and I can explain the difference there.

SDDC does shipping, they do your household goods, they do your overseas vehicle transportation, and they do trucking and rail.

Q Okay. In terms of the sealift component and the Navy, do they own -- not just sealift, but do they own any air assets or lift assets?

A None that would be used by TRANSCOM, so none that I'm aware.

Q Okay. Do you know if they have any?

A I do not know that they have any.

Q And what's the nature of the sealift component as it relates to TRANSCOM?

A From what I remember, Military Sealift Command is primarily

when we charter, when we need to charter a ship, and there's reasons why you would do liner versus charter. They also, I believe, had the readiness -- ready reserve force fleet, so they have that component, our LMSRs, some of those assets that we have.

Q Okay. Now go back to the AMC and the 18th Air Wing. If you will, talk to me about what kind of air assets or lift assets are possessed by the 18th Air Wing by --

A 18th Air Force?

Q 18th Air Force by frame?

A By frame. We have C-5s, both the Bs and the Ms. We're transitioning into Ms now. We have C-17s.

Q How many squadrons?

A Two C-5 squadrons.

Q Okay.

A One at Dover and one at Travis, I believe. We have C-17s and --

Q How many squadrons?

A I can tell you locations. McChord, McGuire, Travis, and Charleston.

Q And what else?

A C-130s.

Q How many?

A At Little Rock and Dyess. There are two squadrons at Dyess, and Little Rock has -- I got to count. We just shut down the 50th. So 61st. What do they have at Little Rock? 61st, 53rd, 41st. I want

to say three operational squadrons --

Q Okay.

A -- I believe.

Q What other?

A I'm sorry. KC-10s located at McGuire and Travis, I believe.

Q Those are tankers?

A Tankers. KC-135s. And we also have some -- we also have the Presidential airlift, the PAG, falls under AMC OPCON, so Air Force One, the C-32s, the C-40s, and then we also have C-21 assets.

Q What's a C-21?

A Learjet.

Q And where are those typically stationed?

A The Lears?

Q Yeah.

A We have some at Scott. And then I'm trying to -- I can't remember the other locations we have them at right now. We have them at Scott, we have them -- I think some jets -- oh. I am sorry.

Q That's okay.

A I apologize. I think we have -- we have them at Scott. I think the main squadron is at Scott, if I remember right, we've done DETs, and I think we have. We used to have them at C Springs and we used to have them over here at Andrews too.

Q What is C Springs?

A Colorado Springs.

Q And spell Dyess.

A D-y-e-s-s.

Q Thank you. Do you have any tilt rotar aircraft?

A Tilt rotar. Like Ospreys? No, we do not.

Q Any C-131s?

A C-131.

Q Is it 131?

A Are you talking about the MC-130 Papas, spec ops type birds?

Q Yeah.

A We do not have MC-135s.

Q What's the precursor to the C-17? Is it the C-141?

A Yeah. I mean, basically if you take the strategic capability of a 141 and the tactical capability of a C-130 and you meld it together, you get a C-17.

Q Do you have any C-141s?

A They're gone. Yeah. We don't have any assets.

Q None exist?

A They're all out of the active force.

Q Okay. Any other air assets of any kind possessed by AMC -- or the 18th?

A 18th Air Force?

Q Air Force.

A I think I've covered them all.

Q Does the 18th Air Force maintain any kind of private aircraft on a contract-type basis?

A 18th Air Force?

Q Uh-huh.

A No, we do not. Now, just so I can expand on your question, is there contracting done within -- and it's -- over the years, it's gone back and forth between TRANSCOM and AMC in the haul ways, because we use contract service to haul cargo, strategic lift assets, but that would not fall under 18th Air Force.

Q All right. Talk to me, please, sir, about kind of the operations at TRANSCOM, and I'm specifically thinking about the JOC, kind of the heartbeat of your operation, where is it, how does it operate.

A Based off my experiences as the Deputy 3?

Q Yes, sir.

A Okay.

Q And talk about that, your billet as the Deputy 3, what was that?

A Okay. I was the Deputy J3 for operations at TRANSCOM from July of 2011 through late May of 2013. As the deputy, very similar to what I do now as a deputy, the day-to-day operations of TRANSCOM. So what I talked about earlier with SDDC and those movements, MSC, their movements, and Air Mobility Command, their major muscle movements, I would keep a day-to-day watch globally, worldwide where that was going.

We had at that time what was called the fusion center, a huge area, floor you walk into, in the middle, kind of like the bathtub, was our DDOC, Deployment Distribution Operations Center, kind of the nerve of

the center.

On the outside, the way it used to be organized, you had the different areas, planners that worked with CENTCOM, planners that worked with PACOM, the different geographic combatant commanders that we would support.

And at that time when I was there, we also had the Surgeon General present, so medical folks were on the floor too.

So if you wanted to understand what we were doing right then and right there, you would go to that floor and you could literally say, okay, where are the assets, who's moving where, what's going on.

Q As the Deputy Commander of Operations, (REDACTED)?

A We had Defense Intelligence Agency. We did have DIA ties. We had -- (REDACTED).

Q How about representatives from any of the other COCOMs?

A We would have liaison officers from other COCOMs in there. NORTHCOM, for example, had a liaison on the floor. I'm trying to think who else might have been on.

Q And I want to know specifically, sir, at the time that you were there, as a deputy, did you have someone from AFRICOM there, do you recall?

A Did we have an AFRICOM LNO on our floor? I do not recall an AFRICOM LNO on our floor.

Q Did you have anyone from Joint -- or from Special Operations Command?

A Not a representative from -- not one that I remember.

Q Does TRANSCOM ever preposition aircraft for any reason?

A Obviously you have to be very careful prepositioning. If you do not have a requirement for movement, then you don't have authority to move an asset.

Q Okay.

A Now --

Q Flesh that out for me, please.

A Okay. So -- not to be facetious. If you wake up one morning and go, wow, I think something's going to happen over there, maybe I should fly a C-17 over there just in case, you can't do that. It's an antideficiency act. You have no authority, you have no confirmed mission set; you move an asset, you're spending taxpayers' money, and there is no requirement to do that.

Now, if you're getting set up for a mission -- and I'll use a coronet. A coronet is when we drag fighters in and out of a theater across the ocean. So say I'm going to do a big swap-out of fighters, I'm going to bring them out of theater, then I'm going to take their replacements and put them in, then would I preposition tankers along the route to set up that infrastructure? Absolutely. But I have a confirmed mission, I have a confirmed requirement, but -- and I don't think you're going -- I don't know if you're going there with that, but to arbitrarily say, hey, I'm going to preposition an asset because I think I need to, you got to -- hmm. Unless you have a valid requirement to do that --

Q You can't do it?

A I would highly advise that you not.

Q Even if you came up with a requirement, TRANSCOM did, would you still require the COCOM commander who owns that AOR to approve that and authorize that?

A Right. We would have to get -- we go through a validation process where the combatant commander would identify a requirement, and we -- we call it DT&A. So in other words, the TRANSCOM commander says, I have a requirement, I validate this requirement, we would come in and say, T it, calling it transportationally feasible, and then you A it, meaning you assign the asset against it. So that would be the process.

Q But regardless, I mean, it requires the COCOM commander's approval for you to move your TRANSCOM asset into his AOR?

A I can move a C-17 -- and you've asked me very specific question. I can move a C-17 from Charleston and fly it to Ramstein, which is technically EUCOM's AOR, and then continue that mission into CENTCOM because I'm supporting CENTCOM, and I don't need EUCOM's authorization to go through his AOR. Okay? But to pick up a piece of cargo and move it, or an asset, or whatever you want me to move, I have to have a validated requirement to do that.

Q Does TRANSCOM have pilots or crews married up for each individual aircraft or do you have a pool of pilots and a pool of aircraft?

A It fluctuates, it goes back and forth. You can do it either way. You can do what's called -- we can put out DETs. So in other

words, we can separate the crews from the aircraft, and we can run aircraft very quickly. You just have -- it's very taxing on the number of crews you need to do that. Or you can send aircraft out and say, okay, this crew and this aircraft, you're on the road for a week or 2 weeks and you stay with that airplane.

Q And we'll get in the weeds about C-17 and the Medevac mission in a minute, but my question is, are TRANSCOM aircraft that were piloted by nonTRANSCOM personnel? Obviously in that case, there's an example, isn't it?

A No, sir. If TRANS --

Q The C-17 pilot that flew the Medevac mission, he was a reservist out of McChord.

A Right. But I believe if you check the way that is done and the technicality, they've -- I'm sorry. Are you familiar with ADCON, OPCON, TACON?

Q For the record, explain that real quick.

A Okay. Operational control. I can take the asset, I can move it, I can do what I need to do with it. It's mine.

TACON is tactical control. So for a specified period of time, I have that asset, I can utilize it. I compare it to when my dad gave me the car keys and said, son, you can have the car tonight, but it better be back tomorrow morning and full of gas. So that's TACON.

ADCON is administrative control. Okay. So when you have a reserve asset that comes in, we get the operational control, and our tanker airlift control center, we pass down to them the TACON, the

tactical control of that. The ADCON piece remains in the reserves. So if the crew got in trouble, and I hate to use that as an example, but if they got in trouble, the disciplinary piece of that would be handled through the reserves, but the operational control and the tactical control of that asset belongs to 18th Air Force/TACC.

Q On the night of the attacks, did TRANSCOM have any kind of liaison at EUCOM and/or the 86th Air Wing?

A TRANSCOM would not have had a liaison at the 86th. I think you asked me EUCOM?

Q Yes, sir.

A We have EUCOM LNOs and AFRICOM liaison officers that are there.

Q Okay.

A So we, TRANSCOM, would have our liaison officers that are out at the combatant commands to provide assistance and to be able to help the command understand what our capabilities are.

Q The night of the attacks, do you recall who your LNO was at EUCOM or at AFRICOM?

A No, sir, I don't. I don't have a name.

Q Do you recall if you spoke with either of them that night?

A I did not remember speaking to them, because at AFRICOM I spoke directly to the J4.

Q Okay. Who is General Johns? Who was he at the time you were the deputy?

A If you're referring to a four-star general General Johns,

it would have been the Air Mobility Command commander.

Q And are you familiar with a Lieutenant Colonel (REDACTED)? Does that name ring a bell?

A No, sir.

Q And go back to the night in question when you were the deputy. What was General Johns' billet at that time?

A AMC commander.

Q Thank you. At the time of the attacks, had you ever been to Libya?

A No. I had never stepped foot in Libya.

Q Did you have any kind of understanding of what the situation was like, generally speaking, on the ground? I mean, what was your appreciation of what was going on in Libya?

Mr. Kenny. As a general matter or on the night of?

Mr. Tolar. On the night of.

General Mordente. On the night of? I was not aware of the situation on the ground. Libya was a location that we were not permitted to put aircraft on the ground unless we had permission from the beltway. There was a standing order that we could not put assets on the ground in Libya without permission back here at the joint staff?

BY MR. TOLAR:

Q And how do you receive a standing order like that? Is that a message?

A It would have had to have been.

Q What is the significance of that to you when you see -- other

than you can't do it? Why would they tell you that?

A Why would they? I couldn't tell you why that -- I can only assume, given the situation in Libya, they didn't want -- I mean, this is post the combat operations that had occurred in Libya. They probably didn't want U.S. personnel on the ground without beltway permission. That would be an assumption on my part.

Q But, again, going back to Libya and just on the days leading up to the attacks, did you have an appreciation of the security situation over there, were things good, were things bad, were they getting better, et cetera? Were you tracking it at all?

A I mean, I think we had a general understanding. Any time we come up to the anniversary of September 11th, we're taking a look at worldwide situation. Not having assets at that time prior to the attack being slated to go to Libya, I would say at best, we maybe just had a general understanding of the theater, not specific to Libya nor specific to any location.

Q On the night of the attacks, were you aware of a U.S. department facility in Benghazi, the Special Mission?

A I would say prior to the attack, probably not. I don't remember knowing that Benghazi -- that there was a consulate there. I just don't remember.

Q That's all right. Do you know if any of your staff was aware?

A I don't know.

Q Okay. Were you aware of the CIA Annex in Benghazi before

the attack?

A No. I would not have been aware of that.

Q Thanks. If you will, I want to talk a little bit about September 10th.

A Okay.

Q Kind of walk me through what was going on. It's the day prior to the anniversary of 9/11. Any special briefings about the anniversary, any special guidance given, received, et cetera?

A I don't remember any special guidance.

Q Received?

A Received.

Q Thank you.

A I just don't. Again, were we aware of September 11th coming up? Absolutely. You don't pass that date without remembering it. And are we trying to do our best to keep a world -- again, you're looking at a command that has a global mission, not a specific theater mission, so you're looking worldwide. And we have what we talked about before, Threat Working Group, so they would give you kind of an overall assessment. Do I remember the specifics of what that was? I don't remember on the 10th.

Q Do you recall what the force posture was at Scott Air Force Base? Did it go up or down? Do you happen to know?

A I don't remember it.

Q Is that the right term, force posture, for the base?

A The force protection, right.

Q Correct.

A The FP Alpha, Bravo, those kind of things.

Q Talk about that real quick just for the record. What does that mean? What is it?

A FP Con Alpha is kind of everything is normal. We pretty much are in an FP Con Bravo status now. And what it does, it's just -- it's heightened stages of security. So one of the big differences, probably, between FP Con Alpha and FP Con Bravo is when you go into Bravo, you do a 100 percent ID check at the gate, so everybody has to pull out their ID and they do check. So it's just heightened levels of security all the way up through Charlie and Delta level.

Q Let's talk about September 11th. Where were you on September 11th?

A September 11th, I was at Scott Air Force Base. I was the Deputy 3 in TRANSCOM. And I'll just go ahead and say now, the J3 was TDY, and the four-star combatant commander was TDY at the time also.

Q I'm just trying to think about that food chain. So you were the ops deputy?

A Right.

Q So the J3 is gone.

A He's TDY. He was here in DC.

Q As well -- and who was that?

A It was, at the time, Major General Cox.

Q Spell the last name.

A C-o-x, Cox.

Q And then who was the commander?

A General Fraser.

Q All right. So they were both TDY. And when were you first made aware of the attacks that evening, or that day?

A Let me better answer your question. And before I go into too much further, it's been three and a half years, so if I'm off by an hour or two, I apologize. There's some -- there's key things that happened that evening with my personal movement that kind of puts me on a -- on about a time schedule. So I'll use local time to Scott, and I believe we are -- we at the time were either 7 or 7 hours behind Libya, I believe is roughly the time change.

Q So Scott is central time, correct?

A Central time.

Q All right.

A We're on central time.

Q All right.

A It was about 1630 local. Remember I said that we had our medical folks who were at the floor with us at the fusion center, SG, and they had gotten a heads-up on a potential air medical requirement from AFRICOM involving a DV. That's all we knew. We didn't know anything about Benghazi. We did not know about the attacks. We just knew that AFRICOM was working a potential air medical evacuation. That, you know -- so I want to be clear, because you asked me when was I aware of the attacks on Benghazi. I was not yet aware. We just knew

something was going on.

Our medical folks continued to work that. And probably around 1800 that night, which was typical for me is to kind of do a, hey, how are we doing, what's going on; and really not much. We had gotten that first indication, and they were still working it, but we didn't have any details. I actually departed TRANSCOM, went home, got my family. We actually went out to dinner. I got a phone call when I was at dinner, and it said, sir, you need to come back in.

I want to say I probably returned to TRANSCOM somewhere around 8 o'clock that evening to 9:00, somewhere in that range, after dropping my family off. I believe that was the time, roughly the time when we had started to get more information coming in and we were ordered to activate the 0300 plan, which was (REDACTED).

Q Who received that order?

A We at TRANSCOM would receive it through the joint staff.

Q And how would that physically come to you?

A In that case, it was a deployment order that night, a deployment order. So it's a communique that comes in and says, you know, here's the following.

Q And it said prepare to deploy?

A It was not prepare to deploy. It was deploy.

Q Deploy 0300?

A Deploy 0300. So --

Q What does that mean?

A What it means for us is we at that time, at that time, if

I remember correctly, (REDACTED) They're our pick-up --

Q Hold on. Talk about Bravo status. Let's go ahead and do that right now.

A Okay.

Q Talk in more detail about Bravo status, what it means, are we talking about the crew, the plane. What all are we talking about here?

A Okay. So if you have a crew in Bravo, they've gone through their pre-mission crew rest, we talked about that earlier, and then they become legal for alert, and they have a 48-hour period. And I believe the specifics with the J -- I brought some notes with me, if that's okay, if you don't mind.

Ms. Green. Fine with me.

General Mordente. Okay. Talking about the crew duty days.

Okay. What's a little different with our J-alerts than any standard Bravo is they're allowed to remain in that status for up to 8 days. Normally a Bravo crew can only stay in Bravo for 48 hours.

So they're in a locked -- what I call a locked and cocked. They're ready to go. There has to be an aircraft associated with that. So the aircraft -- you know, you just -- you have an airplane that's sitting there typically. And in the case of the J-alerts, there's an airplane that's there.

So you have a crew and then you have an aircraft. And once you activate that plan, then they go to (REDACTED) pick up Special Forces and move them to wherever we were ordered to go. And that evening,

we were told to move the assets primarily to Sigonella. That's where you see them coming across in the slide presentation.

BY MR. TOLAR:

Q And is it your recollection that when you got that deployment order, it was to go to the ISB at Sigonella?

A To go primarily to Sigonella. I believe we moved some other assets, if I remember correctly, to other locations besides Sigonella, but the main tranche, the first movement in, I believe, was straight to Sigonella.

Q And so you got the order to deploy that. Did you receive any other orders at that time?

A No other orders at that time.

Q So you get this order. What do you do?

A We activate. We alert the J's through our DDOC. So we call, we alert. There's other packages. If you'll notice, there were more than (REDACTED). Normally we do that through the in-system select, but we contacted our Tanker Airlift Control Center. The Tanker Airlift Control Center has the PACOM that I talked about earlier, and they would begin to activate and move the assets.

Q All right. Let's go back for a second.

A Sorry.

Q Explain in-system select for the record.

A In-system select, if you do not have -- so you don't have an aircraft in Bravo or you have an emerging requirement that takes a higher priority, that would bump other aircraft, you can do what's

called an in-system select, and Tanker Airlift Control Center would look down and see where their assets are at, where they're located, what is the best asset to do the job at hand. So, again, you would need to find an aircraft that's close and an aircraft that has a crew that has the crew duty day left to be able to execute the mission.

Q What aircraft are included in the in-system select process? Is it just TRANSCOM aircraft? Is it all Air Force aircraft?

A No. It's TRANSCOM.

Q Just TRANSCOM.

A Just TRANSCOM assets.

Q Okay.

A That's all we would be able to see.

Q Who was the final arbiter as to how those aircraft are prioritized?

A Well, we get what's called a JCS priority system. So, for example, Presidential support's a 1 Alpha 1. That's our number one mission. If the President's moving, that it is 1 Alpha 1.

Most everything that goes into contingency operations today is probably a 1 Bravo 3. It can bump up -- so depending on what the mission is, what it's supporting, what the requirement is, it starts at a 1 Alpha 1 and it drops down to, like, 3 Bravo 3 Charlie and it's a different tiering system. So it's wherever that mission set dictates where it's going to fall on JCS priority system.

Q Please correct me if I'm -- I want to make sure I understand what you're saying. So basically any potential mission has already

been identified and labeled a certain designator. And where that --

A Correct.

Q -- designator fits in the food chain determines where it is in terms of priority for getting the next aircraft available. Is that accurate?

A I believe we're saying the same thing, yes, sir.

Q All right. Let me do this. You said POTUS operations are number one, A1A. What comes after that?

A Oh, I'd have to look at J --

Q Let me do this. Let me back up. Potentially how high are a Medevac mission, a CASEVAC? Well --

A We can go into that. We don't do CASEVAC and we don't do Medevac. We do air medical evacuation.

Q What are some of the other high priority type missions?

A What are some other high priority type missions. I believe your medical, depending on the patient's status, could be a very high priority mission that we would move; contingency operations are higher priority than other movements, say, like channel movements and things like that; and then, of course, presidential.

Q What kind of priority --

A Nuclear support.

Q I'm sorry.

A I think nuclear support too is pretty high.

Q What kind of priority would the movement of a GTMO individual be?

A I used to know that. I apologize. I've been out of that for a little bit.

Q All right. So let's go back. You got the call. Once you got the call to activate (REDACTED), what actions did you take?

A I don't want to make it sound like it's pull it off the shelf, but it's pretty much you pull it off the shelf. We have aircraft that sit in alert status, again, (REDACTED) and it -- I don't want to make it sound easy, but it's almost autopilot at that time. We know where the assets ever located (REDACTED). They're, I'm sure, on a leash as (REDACTED). Our C-17s show up, they load out, and they start moving to where they're told to go.

Q You previously indicated that you also initiated your Threat Working Group that evening. Why did you do that?

A Well, as the night unfolds, we are starting to get more clarity on what is going on. Again, I talked earlier in the evening, we knew that there was a Medevac mission that AFRICOM was generating and it involved a DV. Earlier in that evening, we didn't know who that DV was.

As the night progresses, you've launched (REDACTED), we're starting to get more clarity on the situation, we're starting to grasp that Benghazi -- there's an issue at Benghazi and there's a problem. And I want to say we had launched (REDACTED) everything seemed to be on autopilot and working just fine at that point. I returned back to my quarters, but as soon as I got to my quarters, I was basically called right back in. And that is when, I believe, I had an understanding

of that -- remember, the Ambassador -- as you well know, the Ambassador had gone from missing, to dead, to now we have wounded, and what are we going to do.

And I want to say that about 2300 local, 11 o'clock, again, going off of three and a half years, we had an understanding that the Ambassador's remains, the wounded, that there was going to be an attempt to get them out of Benghazi and move them to Tripoli. So Tripoli was the point of where we were going to have to do an air medical evacuation, human remains recovery, and a NEO, basically, a noncombatant evacuation.

I believe it was at that time, the 2300 timeframe, where I called up Tanker Airlift Control Center and I said, you need to do a Threat Working Group, you need to TWG Tripoli. I believe we're going to be heading to Tripoli. And there -- that is a very extensive process. If you want me --

Q Talk about what they do.

A Okay. So the Threat Working Group gets together. All right. It's made up of several of -- the Intelligence Community is involved in it, our own intel. We have assets, DIA, NSA, NGA that actually reside at TRANSCOM. You also have ties to the theater. You also have medical folks that are on that.

And so what they're taking a look at is the situation as best we know it. And in this case, I said, TWG Tripoli. So they're looking at the ground situation at Tripoli. They're looking at every kind of threat, you know, is there a MANPAD threat, what's it like at the

airfield, does the aircraft need to be armored, does it have to have defensive systems, does the air crew need to be carrying flak vests, do they need to be armed, are RAVENS required. So all of those aspects of putting an asset on the ground in harm's way, you're taking a look at.

Q Did the TWG discover the fact that there were two airports in close proximity in Tripoli?

A I believe we knew that pretty early on. I mean, we're familiar with the terrain. We're looking at things like that. We knew there was a military airport and we knew there was a civilian airport. And in the case of Tripoli, they don't -- they're not co-located. They're actually separated, I believe, by a mile or two, which actually caused some confusion that night, from 11 o'clock on that night all the way up until the time we were told to go ahead and launch, as to which airport the Ambassador would be flown to.

Q And go back a little bit. You mentioned -- so you came back, you initiated the TWG, you initiated the deployment in support of 0300, (REDACTED).

A That was done earlier, I believe.

Q Okay. Excuse me. So you came back. At that point everything's track, and then you secured for the evening, is what you said?

A We launched (REDACTED). I believe that -- I believe that was at 2100-ish local time. That started moving. I don't believe we had any word on the Ambassador's movement yet. Everything seemed to

be secure.

Went to my -- my quarters are right on base. So, I mean, it's literally just a walk. At that point, I walked to my quarters, was getting ready to go to bed, and got called right back in. And to my recollection, that was about 11 o'clock at night, 2300, and I believe that is when we started the full knowledge of the movement, trying to come out of Benghazi to get to Tripoli. That's what would have triggered me to tell TACC, the Tanker Airlift Control Center, get Tripoli TWG, get ready so we can move when we're called up.

Q Do you recall when you received the specific order to support the C-17 -- or for the C-17 to conduct that Medevac mission?

A The "to go," I want to say was about 0100 in the morning, roughly, local time. And we could always go back and take a look at what Don Anderson developed, because we could get a launch off of that and back it up, but to the best of my recollection, it was about 1 o'clock in the morning. And I was talking -- there were several things going on. I was on the red switch with the J4 at AFRICOM. I was on the red switch.

Q Hold on. What's the red switch?

A I'm sorry. It's a classified line so we can talk classified.

Q What's the J4?

A The J4 is logistics at AFRICOM.

Q Who was the J4?

A At the time, Brigadier General James Johnson.

Q What was the nature of your discussion?

A The nature of our discussion was the knowledge at that point of the Ambassador and wounded and the need to get them out of Libya and back into a medical facility, get them -- a rescue, my words.

Q Was he your primary source of information that night, you personally?

A Me personally, that was my best primary resource from AFRICOM, was him.

Q Who else were you speaking with that night outside of TRANSCOM?

A Major General Nagata, the J37 on the joint staff.

Q And what was his billet at the time?

A My understanding is he was the J37. And J37 is -- when you're talking (REDACTED) the special operations type missions, that's what J37 does.

Q What was the nature of your discussion with him?

A At this point, it was the movement of our best asset at that time, the C-17, to get it down into Tripoli to recover the remains of the Ambassador, the wounded, and at that time we were told some potential noncombatant evacuation of some personnel.

Q Why would you be discussing a Medevac mission with a TRANSCOM asset with J37?

A It was the joint staff, it was the J3.

Q Okay.

A And at that night, the J37 had the lead, my understanding.

That's who my coms were with that night.

Q So he was in the NMCC. Is that correct?

A That would be my assumption.

Q Okay. And so he was just -- is it your assumption that he was just one of the staff officers on duty that night in the NMCC?

A No, sir, that's not my --

Q Okay.

A That he was just a staff officer. I mean, we -- again, I have to go back. We've launched the 0300 plan. That's pretty serious. We've got (REDACTED) moving. We've got an Ambassador that we need to recover, we have wounded that we need to recover. Right now the majority of -- I'll just say the majority of things that I have touched to this point at night with (REDACTED) are all special operations.

Q Check.

A So for me to be talking to the J37, a two-star, to then say, you need to get in to Tripoli, I got it.

Q Is he the one that told you you needed to get into Tripoli?

A He was the one that wanted me to launch to Tripoli.

Q So your order to launch the Medevac, the C-17 Medevac mission came from the J37?

A Came from the J -- now, I can tell you that conversation. What happened is I was told to move. There was a -- there's a -- not -- I wouldn't say a three-way, but there was a conversation between me and General Nagata and there's a conversation between me and General Johnson. General Johnson had an asset, a C-130J asset

that he --

Q Hold on. Who's General Johnson?

A J4 at AFRICOM.

Q Okay.

A He had an asset that was available within an hour, a J model C-130. If you remember Don Anderson's slide, he talks about a C-130 launches first, and then a C-17 launches and overtakes it.

So James Johnson and I are on the phone, and James says -- break, break. James Johnson and I knew each other, so there's a personal relationship there, also a professional relationship.

So James says, I have a C-130J I can get airborne in an hour. I said, I have a C-17. It's in Bravo. I can get it airborne in three. Let's launch both, first one on the ground is the one who will pick up the remains and the wounded and get them out.

When I was talking to General Nagata, he said -- because the joint staff -- AFRICOM cannot task me without the joint staff giving the overall approval and the authorities. So that night -- and you have to understand authorities and the limits of what I'm allowed to do. So that night I'm being asked by the joint staff -- they had dropped a deployment order, a 0300 deployment order. That order said, go pick up (REDACTED) and, in essence, move them to Sigonella and some other parts. Okay? The J37 is then telling me, now fly an aircraft into Libya.

There were four things that I had to make sure that I had the authority: first, I had to make sure I had the authority to land an

aircraft on Libyan soil; second, I had to have the authority to pick up human remains and nonDOD personnel; third, I had to have permission to pick up wounded personnel that are not part of the Department of Defense and enter them into the Department of Defense medical system; and then the last is, at the time I was told we were going to do what amounts to noncombatant evacuation.

So my words when General Nagata told me to launch, I said, sir, I know the answer. There are Americans in harm's way. We are going to launch this aircraft, it's going to go down there and it's going to do what you're asking me to do. I just need you to tell me that I have the authorities.

He asked me, what do you mean, Colonel? Because at the time, I was a colonel.

He said, what do you mean, do you have the authorities?

And I walked him through what I just said, those four requirements. Please tell me that I have authority to do this.

He said, give me a minute. He hung up the phone, he talked to general counsel, calls me back, says, I've talked to general counsel. You have all the authorities you need to launch.

I said, sir, that's all I needed to know. Picked up the phone, called up Tanker Airlift Control Center -- when I say "I," we, TRANSCOM did -- activated the aircraft that was sitting at Ramstein, because that was the best available asset.

Again, you needed three things: you needed a crew that was ready to go, you needed an aircraft that was available, and you needed a

medical team that could tend as best they could to those who were wounded. That only existed at Ramstein. So we launched that aircraft.

Now, when you look at the slides and the way they progress, the J model that James Johnson had referred to did get off the ground before, but the C-17's a much faster asset, so it was able to overtake the C-130 en route, land, pick up the wounded personnel on the ground and then return them much faster, you know, had we simply done it with the J.

Q Do you recall when you spoke with General Nagata, the J37?

A Yes.

Q Do you recall approximately when you had that conversation with him?

A I have gone back and forth. Again, I'm trying -- three and a half years. I want to say -- I mean, we could back it up by looking at Don Anderson's slides and seeing when the C-17 launched. It was 2 hours and 15 -- I think they were 2 hours and 3 -- 2 hours and 40 from the time of notification until they got airborne, so we could roll that clock back and then add a few minutes, but I want to say it was 1 o'clock in the morning.

Q All right. So if he tells you you're good to go, what do you then do?

A Well, we had done all the prep work at that point. Remember I talked about the Threat Working Group. I had already been talking to Tanker Airlift Control Center. I believe we had already identified, you know -- again, as the fog lifts and you're starting to get a better

understanding of what's going on and a better understanding of what that requirement is, there's only one asset at that point in time that's going to meet this mission requirement. It's at Ramstein, and it's the C-17 and the CCATT medical team that's at Ramstein that is actually sitting there in support of CENTCOM, but we pulled it and we directed it towards the AFRICOM requirement.

So before General Nagata says you have permission to go, we already had done the Threat Working Group on Tripoli, we had already done -- we already knew what asset we were going to grab. And then once we had the permission to go and the clarity that -- because, again, you have a movement of wounded personnel coming out of Benghazi and you're trying to marry up with that, once we had all that understanding, we moved out.

Q Prior to you having authority to go from the General, had you already put the C-17 crew on notice of a potential movement?

A I have no knowledge of the C-17 crew being put on notice, but that would not have been my job, because once the assets -- once I have the permissions, the authorities, then TRANSCOM turns to TACC and says, execute. Crew management, tactical level management, is done by the Tanker Airlift Control Center. So there would not be -- I would not -- it would not be routine nor would it be thought of that I would pick up a phone and call a crew that's somewhere in theater and say, hey, I just want you to know. That would not be what I would do.

Q So the TACC, the one that you directed to TWG the issue,

they were the ones who would tell the pilot -- they would alert the pilot -- the crew of a possible mission. Is that correct?

A They could. Again, I will talk technicality with you. You have a crew that's in crew rest. If you technically pick up a phone and call a crew and say, "Hey, guess what, I think," you're busting their crew rest. So the thought that they would do that, why would they need to? We have them on a 3-hour leash. So all you have to do is say, go, and you pick up the phone and you call them.

So I understand your question. So you're asking me is it possible. What I'm saying is I don't know, because, one, I would not have made that call and, two, it's just -- why would you do that?

Q So the point is, they really don't need any time to ramp up, because they're already on alert B status, they're going to be wheels up in 3 hours.

A They're in Bravo status, they know they're in a bravo status, and their job is to be wheels up in 3 hours. They're sitting there at Ramstein Air Base, and they stay right there on base in the KMCC Hotel.

[2:06 p.m.]

BY MR. TOLAR:

Q In terms of the 0300 mission, was it ever contemplated that you would go anywhere other than the ISD that you are aware of?

A In the night in question?

Q Uh-huh.

A No, sir. I mean, it is a deployment order so it is deploy to a location and then await -- follow on at that point. So we moved them to where we were told to move them.

Q In addition to talking to the J37 and the AFRICOM J4, who else were you communicating with that night outside of TRANSCOM?

A No one that I recall.

Q At approximately 8:30 p.m. eastern time, so 7:30 your time, did you participate in a National Military Command Center conference call?

A No, sir.

Q Were you aware of that call?

A No, sir.

Q Did you subsequently learn of that call?

A No, sir.

Q As you were trying to identify aircraft that night that were available that had the crew, the airframe, and the medical folks, did you find -- did you discover any aircraft that perhaps had an airframe and a crew but not the medical component?

A No, sir. And I will tell you why. As the night unfolds

and you are starting to get an understanding of what's going on, we are in at that point, a highly fluid situation and one that is no longer -- my words -- you're not trying to prevent something from happening. Something has already happened and now I have to react to what has happened. The reaction is one of a rescue. So I'm in a rescue operation now.

We start to understand that we have wounded. We have dead and we have others that have to get out. So once you put wounded into that equation, you're immediately going to some kind of medical asset that needs to be on the back of that airplane. So I believe that evening our eyes were from a TRANSCOM perspective, immediately once we had clarity of what was going on, to the assets sitting at Ramstein, because that's the only place all three marry up.

Q Did you have any reason to communications with anybody at Ramstein?

A No, sir.

Q General, we are coming up on an hour. Let's go off the record to a minute, please.

[Discussion off the record.]

BY MR. TOLAR:

Q Let's go back on the record, please. So keep talking about, so it's after midnight. You have gotten the directive to launch a C-17 mission. You have launched (REDACTED). What are your concerns as the night continues, and the situation develops?

A Concerns? We are always concerned about a crew. I mean,

at that point, once we had clarity of what our mission set was, you know, quite frankly, you have Americans in harm's way. You want to get there as fast as you can. I mean, we knew we had wounded. It wasn't until the, you know, I have told you that story. This was so fluid and developing so fast that I got an email from James Johnson, the J4, as memory serves me correct, and it was a PowerPoint, and it simply stated patient 1, patient 2, you know, 3 and 4. And it was a general, you know, kind of overview of how wounded they were.

I took that. We printed it and faxed it to Ramstein. And my understanding is it was literally run up on the back of the ramp of the C-17 as the engines were running and handed to the medical team, and said, here's what you can expect when you get on the ground. So what are my concerns? My concerns are we need to move fast. We need to get there with the right asset. We need to bring these Americans back home. And I'm worried about the crew. I'm going in -- now, we talked about this earlier. We send people into harm's way every day. We don't do it foolishly. We do it methodically. We have done our homework. We felt we had prepared the crew as best we could, but then, again, you are going into a situation like Tripoli and, you know, you're concerned about the safety of the crew so we are watching it. We are monitoring it.

Q At this time, talking about the difference between a CASEVAC and a Medevac. What's is different between the two? What can TRANSCOM execute, what can't they do, et cetera?

A There is actually three.

Q Okay.

A There is a CASEVAC, there's an Medevac and there is aeromedical evacuation.

Q Spell Cas.

A CASEVAC is spelled --

Q Is it just casualty evac?

A Yeah. Its casualty evacuation. It is spelled C-A-S-E-V-A-C.

Q And Medevac?

A Medevac is M-e-d-e-v-a-c.

Q And what was the third one?

A Aeromedical evacuation.

Q Talk about each one of those, please.

A I'll talk about the two extremes. The difference is on the pendulum. The CASEVAC is, if you saw National Geographic's episode on Pedra, the PJ rescues in Afghanistan where they fly to point of injury. They pick up a patient in any condition. They don't care of the condition of the patient. Their goal is to get them to a treatment facility as fast as they can. You probably heard the term "the golden hour." Can you take a wounded member, get them into a medical facility within that hour. That is CASEVAC. Again, the patient isn't stable. You're not really concerned about the condition of the patient. You're going to take whatever you've got when you get on the ground, and you're going to get them to a medical treatment facility as fast as you can.

Aeromedical evacuation which was at that time and still is, what

TRANSCOM does, is the other swing of that pendulum. So I have a patient. The patient could be in critical condition, but is stable. A doctor has looked at the patient, has deemed the patient as stable and airworthy and can stand the length of the flight, whether that's a 3-hour flight back to Ramstein or that's a, you know, a 7- or 8-hour flight across the Atlantic. You have a medical doctor. You have medical professionals that look at that patient and say, yes, they are stable enough. We can do this and there's a discussion that goes on between doctors.

Those are very large swings in the pendulum. Medevac kind of sits in the middle. This will tell you, unregulated patient versus the regulated where you have doctors looking. But typically, done by the Army. You have Red Cross on the outside, falls under the Geneva Convention. We used to have it in the Air Force, I believe, a Medevac capability in our C-9 Nightingales. We have the Red Cross, but that's kind of -- we don't do Medevac anymore.

So really, you have a CASEVAC, or you have an aeromedical evacuation capability. A CCATT team is associated with an aeromedical evacuation capability. So not a CASEVAC. Hence, when we were talking earlier, I said it was somewhat fortuitous that they went from Benghazi to Tripoli because when they got on the ground at Tripoli, my understanding is there were medical professionals on the ground there that actually stabilized them.

Had we taken or attempted a CASEVAC, in other words, from point of entry to Ramstein, now, I will be the first to say, I'm not a doctor,

but my understanding is, they -- I'm not sure if they would have made the flight; especially the one who had the leg that was nearly taken off.

So it's important when you are doing air medical evacuations that you are dealing with stabilized patients.

Q Was the CCATT team part of a Bravo status?

A Yes, sir. That was all part of the -- remember I said the CENTCOM AOR, specifically Afghanistan, the Bagram Hospital. So if you suddenly had an urgent patient, critical care patient or simply the hospital beds were getting full and they needed to air medical evac them back to Landstuhl because there was great capability at that time at Landstuhl, then that's what that asset was there for. And it would sit Bravo and you would have a CCATT team in Bravo, and if CENTCOM called, then that's what you would do.

We determined that night, given the priority of this mission, that was the best asset. That's what we needed to take, and so we pulled it from, quote, "CENTCOM" and moved it into Tripoli.

Q But the CCATT team is also on a Bravo-alert status?

A Yes, they are.

Q And they are all part of that, they are kind of tethered to that crew?

A Yes. They are tethered to that aircraft and that mission.

Q Talk about what RAVENS are?

A RAVENS are a security team that will go with the aircraft. There are certain locations that we fly into that are not as secure

as others. So they are there to guard the asset itself, in this case, the C-17. They are typically security forces. They are trained and they are armed for that type of mission.

Q In terms of their training and their capabilities, would you say it's limited to the protection of the aircraft?

A It's limited to the protection of the aircraft.

Q And how many RAVENS typically would fly, if necessary?

A Depending on the asset, I -- oh, the smaller the asset, you can go with two RAVENS. I think C-17s are typically three or four.

Q Do you know how many were used that night?

A I don't remember.

Q Okay. Were you aware, was TRANSCOM aware as to whether or not diplomatic clearance had been passed for that C-17 mission?

A I believe we were working the diplomatic clearance, but that gets into the question of, at the time of launch did we have diplomatic clearance? That's not necessarily required. You need it before you penetrate the airspace, absolutely. But it is better to move an asset and get them to the location. If I have to, there is enough fuel on a C-17 it can go into holding outside an international airspace awaiting the clearance. And I believe that's what we ended up doing that night is we launched without the dip clearance, and I think they received it en route prior to penetrating Libyan airspace.

Q And just to be clear, was that plane OPCON to EUCOM or AFRICOM?

A No.

Q It was TRANSCOM's asset the entire time?

A OPCON, TACON, --

Q So how were you tracking the dip clearance issue?

A That would be done by our Tanker Lift Control Center would do that. We don't do that up at TRANSCOM. They have a diplomatic clearance cell. They work those diplomatic clearances. It is worked through the embassies, through the DATs, and that's communiques that go back and forth that way.

Q Talk to me a little bit about -- anything else about the 12th that you want to share with the committee in terms of the C-17 mission that got down there. They made the recovery and got back. Any other issues associated with that that you think it would be important for the committee to know?

A Well, I think what's important is a couple of things. By the time -- and again, I always go back to the fog and friction of war. By the time we knew what had happened, what was going on, where we would be able to, I'll say, rendezvous with the wounded and with the dead, and the fact that we moved that asset as fast as we did, I will tell you, there is no country, there is no air force that can move that fast. From the time we were told to go, and I am talking about alert the crew until the Ambassador's remains were back at Ramstein was 9 hours and 15 minutes. That's fast. It's just under a 3-hour flight, I believe, from Ramstein down to Tripoli for a C-17.

Q Talk to me a little about other services' aircraft. Does TRANSCOM track in any way which aircraft other services may have at

a particular AOR?

A Not strategically. We are the only ones who have strategic lift assets that I'm aware of. So, no, we do not track other services. We would not track them. Are we aware of potentially some, what I would call VIP jets? We potentially are through JOSAC, which is a branch within the J3 at TRANSCOM. But I think what you're asking me is when I am looking at C-17 and C-130 assets, we're only tracking TRANSCOM assets.

Q Go back to the night in question. You and the JOC, are you also tracking the Predator feeds that were providing surveillance over Benghazi?

A I don't remember personally seeing any Predator feeds. I don't.

Q And does the TACC have an operational center from TRANSCOM?

A The TACC?

Q Yes, sir.

A Physically they are located at a different location. They are in another building.

Q Would the TACC have had the Predator feed?

A I can't answer that question. I wasn't in the TACC that night.

Q Who runs the TACC? Who would have been in charge of the TACC that night?

A That night it was general Dave Alvin.

Q Dave Allen?

A Alvin, A-l-v-i-n.

Q And what was his billet?

A He was commander of Tanker Lift Control Center.

Q You talked about TRANSCOM is the only service that has strategic airlift. Define strategic airlift assets for me?

A Strategic airlift assets are those that would go intertheater, so a C-17, a C-5 able to carry large quantities of cargo over a wide area. A C-130 is actually a tactical asset. I know the Marine Corps has some KC-130s. The Navy used to have C-130s. I don't know if they still have them. But if you want to haul large cargo, large packages, you have to come to Air Mobility Command to do it.

Q Talk to me a little bit about the -- are you familiar with the commanders in-extremis force or currently known as the commanders response force, the CIF or the CRIF?

A I'm familiar with them.

Q Does TRANSCOM currently have any standing requirement to support or provide lift for the CIF?

A Currently, I'm the vice at 18th Air Force, so I don't know what TRANSCOM currently has right now. At the time, I have no recollection of any -- other than (REDACTED) which is Special Ops, and the J alerts, and then there is also some P alerts that are part of (REDACTED). Other than that, I don't know of any that TRANSCOM has for the CRIF, the CIF, the in extremis force.

Q Sir, and when I say TRANSCOM, I also mean, obviously, the 18th Air Force.

A Other than our J alerts there is none that I am aware of. Now, when I was the 86th Airlift Wing Commander, we did have Bravo alerts that supported what you're talking about.

Q We will get back to that in a minute, please.

A Okay.

Q In fact, let's talk about that now. Again, if you will, tell us again when you commanded the 86th Air Wing?

A I was in command of the 86th Airlift Wing from June of 2013 to June of 2015.

Q And talk to me about what kind of assets the 86th Air Wing had at that time?

A At the time of my command, the 86th Airlift Wing consisted of five locations, Ramstein, Einsiedlerhof, Vogelweh --

Q Slow down.

A I'm sorry.

Q Those are all German words so slow down. Say it again.

A Yeah, so actually the 86th Airlift Wing had not only Ramstein, it consisted also of Einsiedlerhof, and Vogelweh which are bases right next to Ramstein. It also had a unit at Moron.

Q Moron, Spain?

A Moron, Spain, and I had a unit up at Chievres in Belgium.

Q Okay.

A The assets, the operational flying assets that we had --

Ms. Green. Can I just make it clear? We are talking about assets that were present in 2013. Right?

Mr. Tolar. Correct.

General Mordente. From 2013 to 2015.

Ms. Green. Not in 2012 when the Benghazi attacks took place?

Mr. Tolar. Correct.

Ms. Green. I don't know why we are asking about it.

BY MR. TOLAR:

Q Did you misunderstand -- I got it. Did you misunderstand my question? I'm only talking about when you were in command.

A Right. Okay. So when I was in command, we had C-130J, we had 14 C-130Js. And then we also had what I would call Good Sam. I call it Good Sam. It is VIP special airlift mission-type aircraft. We had the C-40, so in other words our EUCOM commander, his -- SACEUR's aircraft, C-40 was under my command.

Q What kind of aircraft is that?

A It's a C-40, it's a 737 aircraft. We had by the end of my command, two, C-37s, and two C-20s, which they are Gulfstream variants, and then we had drawn down by the end of my command to like five C-21s, I believe, which are Learjets. So those were the flying assets.

Q Can a C-130J be refuelled in the air?

A Not a conventional C-130J. No.

Q Were all of those that you had conventional C-130Js?

A They were all conventional C-130Js.

Q Did you have any contract aircraft? Did the 86th Air Wing have any contract aircraft?

A No, sir.

Q Any kind of -- any other air assets at all?

A No other air assets.

Q Do you know if at the time of the attacks, did the 86th Air Wing have the same basic footprint of C-130 aircraft?

A I believe it was the same basic footprint. I believe it was. The J model is new so they are bringing the J model online, but I think they were complete at Ramstein by that time, I believe.

Q So at the time of the attacks you believe they had 14 C-130Js?

A I believe they would have.

Q Are you aware of any discernible changes between the IN or assets owned by the 86th Air Wing from the time of the attacks until when you took over?

A Not aware of any significant changes, no.

Q Any changes at all, in terms of the IN?

A Not that I'm aware of.

Q During your time as commander, did you ever receive an order in the middle of the night where you had to recall your crews and bring them in to launch aircraft?

A No.

Q As the commander, had you received that call, what would it take to prepare six aircraft --

A Well, it's --

Q -- to launch?

A For launch? First, you would hope that you had six aircraft

on the ramp that were ready to fly. When I was there, you had 14 aircraft on the ramp. Two were usually in maintenance, four were for training, four were for EUCOM and four were for AFRICOM. So to simply walk out on the ramp and say I have six C-130s, maybe, maybe not. It depends on what's going on.

Quite often I would have upwards of three, maybe even four C-130s that were on the African Continent doing AFRICOM missions. The others might be out doing EUCOM missions. So to say six, maybe, maybe not. But let's just say you had six aircraft on the ramp. They would have to be prepped and ready by maintenance. I would have to have aircrew. They would have to go into pre-mission crew rest with no waivers.

Q Let me do this, sir, if you don't mind. You get a call at 0100 in the morning, you know?

A Okay.

Q Commander, I want four aircraft prepped and ready for launch ASAP. Walk me through exactly what has got to happen. Soup to nuts.

A Soup to nuts. I would have to get ahold of my ops group commander and my maintenance group commander.

Q What next?

A My maintenance -- get ahold of both of them. I would tell them what -- I would probably hold a meeting at that point. We would call come in. I'd look at my ops group commander and say get me four crews. I'd look at my maintenance group commander and say get me four aircraft. Get them ready and let's go. And I will just go with the fact that that's the priority now, nothing else. It trumps everything

else. We would then look at crew availability, okay.

If I had no crews that were ready, in other words, they had not done that 12-hour pre-mission crew rest, then I would have to reach out to personnel, which means we have to go all the way down into the squadron, you know, to figure out who is best suited, put the crews together, who is available, and start building crews, contact them, probably by phone at 1 o'clock in the morning, and get them into a pre-mission crew rest.

So you are talking probably, my opinion, 2- to 3 hours of prep, 12 hours of pre-mission crew rest. You probably are looking at 15 to 16 hours if you had no crew or aircraft available before you could launch something.

Q What does it take to prep a plane for a mission?

A Maintenance does some of its preflights, takes a look at it. I mean, not to be funny, but you have to make sure you have got the right fuel, the configuration in the back end of the airplane is correct. Are you taking rolling stock? Are you taking pallets? What you are taking on the back end? Make sure that configuration is correct. If you're going into a hostile environment, is it armored? Does have it flares? Is the defensive system working on it? So maintenance would go through all of that pre-mission prep. Once I had the crews together, once they had gone through their crew rest requirements and once they alerted, then the crew has to go through a preflight of the airplane.

Q All right. Let's back up. Talk to me about your recall

process. How long does it take at 1 o'clock in the morning, you start generating your crews, your pilots and your maintainers. What is that process like, and how long does it take just to get people back to the base before you can start the process?

A Well, as I was getting at. You are giving me a hypothetical, and so what I would say is, I would do one of two things. I would either look at tomorrow's flying schedule and say to my higher headquarters, when do you need me to launch? And if I could pull something off of that schedule, that's where I would go. So let's say I had a training line that was going to show at 6 o'clock in the morning and higher headquarters wanted me airborne by 9 o'clock in the morning. I would pull that training line. I wouldn't have to go through the whole generation. I would go for that air asset.

But, if I didn't have that and you're telling me I'm starting from scratch at 1 o'clock in the morning, I think you're -- my opinion is you're 15 to 16 hours out from being able to launch. Because you would have to sit down. You would have to go through what crews were available by crew position. You would have to then contact them. You would have to put them into crew rest which is a minimum of 12 hours. They would then have to show, and then they would have to go through their preflights and launch.

Q Walk me through how a pilot gets briefed in order to execute a mission?

A Depends on --

Q I'm thinking about the C-17 pilot and what he had to go

through prior to launch. But based on your experience as a pilot, the C-130, kind of what you go through, you get an intel brief, you get an op brief? What next?

A If I'm going into a hostile environment my experience as a pilot is I'm going to go in and I'm going to first review their mission set. What am I carrying? What is my mission? What's on the back end of that aircraft? How much fuel? I need to get a weather brief. Got to make sure the weather is good.

I'm going to take look at the end route, how I'm getting down that, what my flight plan looks like. Checking all of my clearances, make sure I have them. What's the airfield that I'm going into? What kind of approaches are we going to shoot when we get there?

And in the case of, say, a Tripoli mission, the night that you are referencing, I need to sit down with intel. I need to understand what the situation is on the ground. I need to make sure that I have, if need be, the right defensive system, flares on board, armored aircraft, if I need it. Do I need flack vests? Is that the kind of environment I'm going into? Do I and my crew members need to be armed? And some of these environments you go into, we fly armed.

When we are overseas our load masters are always armed as part of our anti-hijacking, but do I need the whole crew to be armed? So those are kind of the questions I'm going through. If I had any kind of imagery of the field I'm going into, especially if it is a hostile environment I'm going to want to look at that imagery. If I had the tactical situation on the ground, I'm going to want a debriefing on

the tactical situation on the ground so I best know how to plan my approach in there.

Q Is the mission prep for a pilot who gets called up in the middle of the night to come in any different from a pilot on a Bravo-alert status for all intents and purposes?

A Well, I think the advantage you have with the Bravo, is from -- look, the thing that takes the time on the scenario you gave me is, I'm starting from scratch. I have to give somebody that 12 hours. I just can't wake somebody up in 1 o'clock in the morning and say go fly an airplane. I've got to wake them up and say, I need a -- without any waivers. I need you to start your crew rest. You will be at legal for alert at this time.

Once we get through that front part and we are at alert, the difference between that crew and a Bravo crew is not any different. You are going to alert. You are going to come in. You are going to brief up. You are going to talk to weather, base ops, intel. You are going to do all the things that I talked about before you step out to the airplane.

Q So if you have a pilot at home in the rack at 1 o'clock in the morning, you can't assume -- well, I guess you can't assume he is sleeping and crew rest has started. He had to be physically be notified --

A By regulation, he has to be verbally notified that he is going into crew rest.

Q Obviously, are you familiar with the new normal? Do you

know what that is?

A Yes.

Q Talk to me about how the 86th Air Wing was impacted by the new normal. What changes were made as a result?

A Well, actually, the 86th Airlift Wing was unable, with the 14 assets that it had, to be able to meet all its EUCOM, AFRICOM requirements without being supplemented by Stateside C-130s. So there were actually two C130s put on an RFF. That's a request for forces. And they were brought over, and I think it's varied between Dyess and Little Rock which are the stateside C-130s and they actually come over and they park on a ramp and they go into a Bravo status to supplement the 86th Airlift Wing.

We do our best to keep them current because you can't just sit people on continuous Bravo and rotating them because they will lose their landing currency and everything else. So we try to incorporate them into some of the flying schedule. But, yes, it's an airplane that is on the ground, is not flying, not being utilized, and whether it will be utilized for an operational mission or for a training mission. So it impacts your ability to do an operational mission. It impacts your ability to train.

Q Other than those two RFF aircraft that were brought in from overseas, were there any other impacts or changes to the 86th as a result of the new normal?

A Not really.

Q And the two aircraft that were brought in from overseas,

did they bring pilots with them?

A They brought pilots with them.

Q And crew, and maintainers, and things?

A And maintainers.

Q Okay.

A And some maintainers. They had to supplement us. Prior, I mean, when I first got there, I am aware -- and this goes back to your question of what is the payment -- between having to sit Bravo and fly operational, it does impact your ability to -- you are maturing a crew force. Okay? That crew force has to fly in order to mature. I need to take a copilot, I need to make him an aircraft commander. I need to take an aircraft commander, I need to make him into an instructor pilot. I need to take an instructor pilot and make him into an evaluator pilot. I don't do that by sitting alert. I have to fly them.

Q And those two aircraft are in Bravo-alert status, and what is -- who do they support, those two aircraft?

A My understanding is one is for AFRICOM's AOR, one is for EUCOM's AOR. There is a sharing agreement between AFRICOM and EUCOM on the C-130 assets that sit on the ramp.

Q Was that your understanding at the time when you were the commander?

A Uh-huh.

Q Is that a yes?

A Yes, I'm sorry, yes.

Q And were those aircraft physically there when you were commander?

A Yes, they were.

Q Okay. And while you were the commander, was the CIF ever alerted or launched?

A Not for a real-world mission. When I became the commander, I wanted to exercise and got permission to exercise it. I wanted to make sure -- they were on an (REDACTED) which means from time of notification to being airborne was a (REDACTED) requirement. There is a lot of pieces that goes into that. The CIF have to get there. You have to load the aircraft. The crew has to be alerted. So typically, we were on an (REDACTED) I wanted the authority to exercise it so I exercised it quite a few times to make sure that we could meet the (REDACTED) requirement.

Q Were you able to do that?

A Initially, no. And then we worked the kinks out.

Q What were the challenges?

A Challenges were simple, as simple as a HAZDEC form. So in other words, when I am taking a CIF, I have hazardous cargo on board, ammunition, weapons, a whole bunch of stuff. What we learned very quickly, it was an education piece of -- when I was there, we finally were able to convince the Army of having one of two loads, a heavy or a light depending on what the situation was. Well, if you can determine what your loads are before you load them, then you can have all of your load plans done. You have all of your HAZDECs done. Then it is just

a matter of here, look, good to go. Those were some of the challenges we had to work through. That's primarily --

Q Any other changes to the 86th as a result of the new normal or implementation thereof?

A Not that I'm aware of, no.

Q In addition to the crews assigned to the C-130s, are there any other CCATTs or RAVENS in alert or Bravo-alert status associated with that?

A They are -- there are -- I'm trying to think if we put -- I don't remember the CCATTs necessarily being in a Bravo associated with the new norm. I don't remember if the CCATTs were. RAVENS are assigned and I don't want to get technical. There is a difference between a RAVEN and a FAST team member. Not a FAST team that was in Rota, but a FAST team is a flyaway security team. And in Germany, RAVENS have a little more extensive training. FAST members, flyaway security team are security forces members that are trained to do the same thing as a Raven. And we were using FAST members when I was there.

Q Talk to me about -- you mentioned that the C-17 was a direct support of CENTCOM, generally speaking?

A Generally speaking, that's what it sat there for.

Q We had spoken with a pilot of that aircraft and he indicated that they were on standby to escort a deceased GTMO detainee. Was a common mission for TRANSCOM and/or --

A GTMO detainee?

Q Yes, sir.

A Normally GTMO detainees is what TRANSCOM -- if GTMO is going -- if we are going to do a GTMO, a DMO movement, TRANSCOM would do it.

Q Is TRANSCOM the only person that could execute those kind of missions?

A That I'm aware of, yes, sir.

Q So he was on standby to escort that detainee once he arrived at Ramstein. Do you know who executed that mission?

A I had no idea who executed. We focused on the Benghazi piece.

Q While you were the commander of the 86th Air Wing --

A But can I go back to the --

Q Please.

A I find it interesting, at best. I don't find that revealing at all -- for a crew member to say, well, hey, guess what, I was on standby. Great. Until I give you an execute order, you are not really doing anything. You're in Bravo. When I tell you to go, via the TACC and I tell you to execute a mission, that's when you do it. So I find it interesting. I don't find it relevant to this. He was in Bravo. The aircraft was in Bravo, the CCATT was in Bravo. That was the best asset at hand.

Q While you were the commander of the 86th Air Wing, did you ever participate in any discussions about potential evacuation plans of the Embassy in Libya and Tripoli?

A We would go -- we were -- we had our new norm. We had our

Bravo aircraft. We would sometimes when I was in command, move the assets based on indications and warnings. It was not uncommon to move those C-130s from Ramstein over to Rota. If you take a look at the African Continent there, and where embassies sit, if there was an indication or warning or AFRICOM felt a need, those assets could be moved and we did. We moved them over to Rota at times.

When I was there we actually -- when I say we, it was the C -- I believe it was the C-17 in the Yemen Embassy evacuation. I was aware of heightened states of security or concern. I mean, the 2 years I was there, it went -- it fluctuated. You know, I know Tripoli was one of concern. I believe Libya was another one of concern. Those were probably, if I were to -- in my 2 years as a wing commander the three places we probably were most concerned from my perspective was Yemen, Tripoli, and Libya.

Q Let's go back to September 12th and into the 13th. After the C-17 landed back in Germany, what other kind of contingency, or were you tasked to do contingency planning for follow-on operations of any kind?

A No, sir, we weren't. Okay, so it's not like somebody is going to come to us and say, you know, be prepared. But we have assets that are global. I talked earlier about in-system selects. So no, no one came to us and said, hey, now that we have the assets here, get ready because we are going to -- no, that never happened. But the fact that TRANSCOM can turn very quickly and provide an asset or make one available is not uncommon. So we still maintain a worldwide operation,

a global perspective of what is going on and we are aware of where our assets are at.

Q One the things the committee is trying to better understand as part of the investigation is that appreciation for any and all aircraft assets that were in the AFRICOM, EUCOM AOR. Given your experience, what do you believe is the best way to discover or learn about, get that information? Who do we need to talk to? Who would have assets in the EUCOM or AFRICOM AOR?

A You would have to talk to EUCOM and AFRICOM for that and then probably their SOCOM.

Q What do you mean by SOCOM?

A Well, it would be their -- it would be their special ops branch underneath their respective -- not SOCOM, the special ops branch that works with AFRICOM and EUCOM.

Q EUSOC or AFSOC?

A EUSOC, AFSOC, thank you. Yes.

Q Anybody else?

A Given that USAFE Africa falls under AFRICOM and AFRICOM is dual hatted, that's all the Air Force assets that are sitting in both Europe and Africa. TRANSCOM will cover your strategic lift assets. And because you are at the combatant command, they should have other service components that are associated with them. So that is why I say, start at the geographic combatant commanders.

Q While Congressman Westmoreland and I were visiting Ramstein, we looked out on the tarmac --

A Uh-huh.

Q -- there was a plane sitting out there and it is painted beige, and that's it.

A Uh-huh.

Q We were led to believe that that was perhaps (REDACTED) As the 86th wing commander, did you have aircraft coming in and out of Ramstein that you were aware of that didn't belong to DOD (REDACTED)

A I had the CIA director come through Ramstein, but he did that on an Air Force asset. I had foreign -- when you said beige, my first thought was that was a foreign aircraft. We had -- our NATO allies would fly in Ramstein too. (REDACTED)

Q (REDACTED)

A Not directly through my duties. I can only assume that they do.

Q Looking back on the events of that night, is there anything that you believe TRANSCOM could have done differently or should have done differently?

A Absolutely not. Absolutely not. Again, I think it's easy to look back and go, well, goodness, the attack happened here. Goodness, we knew the Ambassador was dead here. Again, when you're in the situation and you're trying to figure out how best to do what you're trying to do, you know, I spoke earlier about we put people in harm's way all the time. We do this, but we don't do it foolishly. We do it methodically.

I think I mentioned earlier when we met the last time, I think

a lot of people think that we are going to take a big airplane and we are going to land it at an airfield like Atlanta Hartsfield and we are going to walk up, taxi it up to the gate. We are going to get off the airplane. We are going to go to the gate agent and we are going to say, hey, I'm looking for some passengers. That's not the type of environment we fly into.

And so to fly an asset, and I have heard people say Benghazi, we should have flown to Benghazi. To do what? By the time we knew what had happened, we had a dead ambassador. Now we are going to take an entire asset and crew members and put them in a situation we are not really sure, at least from a TRANSCOM perspective, not sure what the ground situation is like? And oh, by the way, we found out that they are being evacuated out and heading to Tripoli which is probably a better scenario for us anyway because we can get the plane on the ground in Tripoli. We have assets, the embassy is there. We can take a look. They can land there.

Like I mentioned, they got medical treatment and they were stabilized. And then when you take a look at by the time I got the permissions and had the authority to execute, we had done our homework. We knew where the asset was, the crew, the CCATT. We had done the TWG. We had launched, I mean, dad gumit, 9 hours and 15 minutes from the time you pick up a phone and you tell somebody, go into a situation like that, until you have the four wounded back at Ramstein getting medical attention. There is nobody who can do that. No one.

Q And again, just to clean up something earlier in the record.

That night you were the deputy J3. Correct?

A Yes, I was the J3.

Q And the J3 was TDY?

A He was TDY.

Q As well as the TRANSCOM commander?

A Yes.

Q So for all intents and purposes you were in charge?

A There is a deputy commander for TRANSCOM. I did speak to her that night. She was at her quarters. But once we were in motion and we are moving, I made her aware of what was being required. And that was it. We are moving at that point.

Q But the point is, you were making the decisions?

A Yes, sir.

Q Is that a yes?

A Yes.

Q Okay. Let's go off the record.

[Discussion off the record.]

EXAMINATION

BY MS. GREEN:

Q We can go back on the record. The time is now 3:05 and I am certain that we do not have an entire hour.

General, we, again, appreciate you being here this afternoon. We appreciated you and your colleagues briefing this committee on March 16th earlier this year, and we also appreciate that you came in this morning and provided the same brief to this committee. So this

is sort of the third time you are speaking with us. And so I just want to tell you that we appreciate it.

We spoke in the last couple of hours about a number of hypotheticals and I just wanted to clarify a few matters for the record. You said on the night of the attacks that you were in regular communication with Major General Nagata?

A Nagata, I believe.

Q From the Joint Staff, J37?

A Yes, ma'am.

Q You were also in regular contact with Brigadier General Johnson, the J4 at AFRICOM --

A Yes, I was.

Q -- on the night of the attacks?

A Yes.

Q Is that right, sir?

A Yes. Yes.

Q Was it your sense in all of those conversations that everyone was working as hard as they could to respond to the crisis?

A Absolutely. I mean, again, the recognition of Americans in harm's way, we knew it. We knew the priority of this mission. We were trying to figure out how best to execute, how best to respond to a situation. So yes, I mean, there was -- nobody was holding back if that's what you're driving at. We were going as fast as we could.

Q Did anyone ever tell you or indicate to you that you should stand down from responding, or slow down in any way your response that

night?

A Not at all.

Q You mentioned in the last couple of hours some of the approvals you needed. You mentioned no boots on the ground, for example, in Libya, which is also not uncommon for other countries. Right. We just don't go in and put boots on the ground?

A The great example is Iran. You are not allowed to have, for obvious reasons.

Q And to be clear, you obtained that approval pretty quickly. Is that right?

A In essence, when it came time to execute, I knew what the authorities that I needed. That was the discussion I had with General Nagata when he told me standby. And to the best of my memory, it was probably a 15-minute delay in which he conferred, he told me he conferred with general counsel and then came back and said, you have the authorities that you need. Execute.

Q Is it fair to say then that the no boots on the ground in Libya didn't slow the response of the Special Forces team from the U.S. or any of the teams responding?

A I don't believe so.

Q With regard to -- you mentioned that you had received two orders that night. Right?

A Yes.

Q One was for the Medevac, that was your second order. The first one was for the Special Operations Force based in the U.S. Right?

A That's the 0300 plan, yes.

Q So the Special Operations team based in the U.S., I just wanted to clarify that they received a deployment order, not a prepare-to-deploy order. Is that correct?

A The order that I saw dropped that night was a deployment order, a Dep Ord.

Q And you are a pilot. If you could just explain in very simple terms why it's important for a pilot to have crew rest.

A The mission set that you are doing oftentimes is very demanding. It can be very taxing, tiring. As you can well imagine, you are flying an aircraft. You are taking in a lot of information, especially in the mission set we are talking about that night. So without the proper crew rest, they have actually done studies on this, your reaction time slows by quite a lot. So it has been deemed that that requirement exists so that your pilots are alert and ready to fly the mission.

Q We stuck a little bit in the first brief you gave us at the Pentagon about the pilot who flew the C-17 air Medevac. I think it's the --

A Aeromedical evac. I mean, they were in Bravo. They were a Bravo crew.

Q And this pilot has been on FOX News talking about some of the things that he believes he was capable of doing, and I would just like to walk through some of those with you. He claimed that he could have arrived Benghazi in 4 hours from notification with no problem.

A That's a very myopic view of what the situation was like. I would -- you know, physically, could the aircraft have launched and gone to Benghazi within 4 hours? Absolutely. To do what? To meet with whom? What was the threat environment?

Q What kind of risk would this pilot be undertaking if he were to do that?

A Based on the videos that I saw, probably a very unruly crowd. I'm not quite sure what the situation was on the ground in Benghazi. And who were you going to meet up with? And who was your point of contact? What kind of MANPAD threat? What kind of small-arms threat? What were all of those? So to say that you could have flown to Benghazi, very, very, you know, that's looking through a soda straw and not looking at what all goes into a mission setup. And like I said earlier, had we done that, in my opinion, this would have been a different interview. You would have been asking me why I lost a C-17 aircraft and the crew, potentially.

Q The pilot, when we interviewed him, he claimed that his mission shifted from Benghazi to Tripoli?

A Absolutely not. They were never -- we never TWGed, nor did we ever FRAG, I'm using terms, I apologize. We never gave him an order to go to Benghazi. We never did a Threat Working Group, really formal, of Benghazi. The confusion I believe, and I think if you look at the cut we had seen back in March on the GDSS cut, the confusion probably on his part was the difference between Tripoli military, and Tripoli civilian, the civilian field that are not collocated. And I believe,

again, 3-and-a-half years ago, I believe we had FRAGed him to go to the military field and then at the last minute, we swapped him to the civilian field. That was the only re-FRAGing or change of an order.

Mr. Kenny. But your understanding at that time was that, or even looking back today, that there was some sort of evacuation that had been planned for personnel from Benghazi to Tripoli?

General Mordente. Right, I mean, memory serves me best. You know, initially as we are starting, you know, you are getting more and more information that comes in, was there a thought that we would -- thought that we would go to Benghazi? Not plan, a thought. Of course there was a thought. It was pretty quickly discarded for several reasons.

One, we didn't know the situation on the ground. Two, as we started to get more facts coming in, the plan was not to go to Benghazi. It was to evacuate the wounded and the dead out of Benghazi and get them to Tripoli. So at that point, that's totally off the table. And you're looking strictly at Tripoli.

And so I think earlier I had talked about later on that evening as it became more clear what we were doing is when I looked at Tanker Lift Control Center and I said, you need to do the Threat Working Group for Tripoli. Make sure you're prepared to go.

BY MS. GREEN:

Q And so you directed that the Threat Working Group --

A I asked the TACC commander to do it. He said, do you think we are going to launch? I said, yes, sir, I think we are going to

launch.

Q And the Threat Working Group would have made assessments with regard to force protection, et cetera. Is that right?

A Absolutely. They would have tapped into all intel resources. They would have taken a look at the ground situation. They would have looked at MANPAD threats, small-arms threats, all of those type of things that go into making sure that the aircraft and the crew are prepared for what they are going into.

Q The C-17 pilot we spoke with claims that he made the decision to employ RAVENS and ammo and various defensive measures. Would that have been the case, sir?

A I don't believe so. No. He would not have had the -- he doesn't have the authority, those type of authorities. Whether you're caring a Raven or not is determined by the Threat Working Group and the 18th Air Force commander slash, and TACC working together. Whether you have armor on that aircraft, defensive systems required, in my current role as the vice commander at 18th Air Force.

We sit down on a regular basis, we review, particularly right now airfields in Afghanistan and Iraq, and we determine, does it need defensive system? Does it need to be armored? Do you have to have RAVENS? And we look not only there, but worldwide. And so these decisions on what is required when you go into an airfield are at the General officer level.

[4:17 p.m.]

BY MS. GREEN:

Q The pilot claimed that he launched for Tripoli on his own volition.

A Then he broke the law. And I'm being very serious.

Q Is that the case, though, did he launch on his own volition?

A Absolutely not. You have to have -- I talked about it earlier with all the authorities that I had to get approved before launch. And I believe earlier I was asked whether or not you could preposition an asset, and I think my words were I'd highly advise against that, because without a requirement, you move an asset, you just spent taxpayer money, you committed an Antideficiency Act. It's against the law.

So for an aircraft commander to stand up and say, "I launched on my own," well, he would probably have his wings removed.

Q The pilot claimed that he heard, though he could not recall from whom, that a C-130 was requested for Benghazi a month before the attacks.

Did TRANSCOM ever receive a request for a C-130 for Benghazi at any time?

A Not to my knowledge, no.

Q The pilot also claimed that he heard, though he could not remember who told him this, that there was a denial of aircraft on the night of the attacks. Did TRANSCOM deny any requests for aircrafts on the night of the attacks?

A Not at all.

BY MR. KENNY:

Q Sir, just a couple of follow-on questions. We've been discussing the threat working -- is it Threat Working Intelligence Group?

A Threat Working Group, yes.

Q The Threat Working Group, the TWG, in kind of a technical way, and the way that it appears to us is that this is some sort of a risk-assessment tool that you --

A Absolutely. That's exactly what it is.

Q -- that you use at TRANSCOM. And I was wondering if we could tie that to the discussion. You were asked earlier -- or mentioned earlier -- that on the one hand you knew the night of the attacks that there were Americans in harm's way, but at the same time, on the other hand, you wouldn't want to undertake any actions that would put forces in even more danger or do anything foolishly. Is that a fair --

A I would want to respond appropriately with the best asset at the best location with the best risk mitigation that I could give it.

Q And does the -- is the TWG, does that help you enable you to do that?

A Absolutely, because what you're doing -- again, we put people in harm's way every day, okay? And I talk to airmen about this all the time. Today I came into work today without my umbrella. Guess what? I took risk, and I paid for it, I got wet, but it's not a big

deal. But when I'm dealing with aircraft and moving those assets into harm's way, it's a big deal.

Q And in terms of what you just described for us for identifying the best aircraft, the best air crew, the best capabilities, did that, in fact, happen on the night of the attacks?

A Absolutely. We did the Threat Working Group, we determined that we could go into Tripoli, that we could execute the mission. Again, by that point we knew that kind of the plan that was trickling our way was the movement of the wounded and the dead out of Benghazi towards Tripoli. What we specified that night, I can't remember, but we would have looked at things like defensive systems, particularly flares, because you're worried about MANPADS, small -- you know, that flares defeat MANPAD-type systems. Whether or not the plane would have had armor on it, whether the crew would have needed to wear flak vests, whether the entire crew would have needed to arm.

Those would have been the things that that Threat Working Group would have looked at, potentially the best way to come into the field, if you know the ground situation.

If I can use another example that personally I did as a pilot. For example, in Iraq in 2004, when you went into Baghdad, you did not go east of the city. That was a no-fly area. You would come in and you would approach from the west side of Baghdad, and that's how would shoot your approach in.

So what intel does is they sit down and go, okay, bad guys in this area. In the case of Baghdad, that was from due north to almost due

south on the east side. You just did not come in over the city. If you did, you were probably going to take a small arms shot, potentially a MANPAD shot, so you came in from the west side.

So these are the things that the Threat Working Group looks at. They look at the ground situation, they look at the probability of a MANPAD threat, they're looking at airfield security, what kind of security is on the airfield.

You go into places in Africa, and I'll just say Africa in general, it's not like the United States. There's not necessarily a fence around that airfield. You can land at some fields in Africa, get out of your airplane, look 100 yards that direction, and there's the village. We used to joke when I was a young pilot about having to buzz the field to get the cattle and people off the field first.

You know, these are Third World countries you're going into, so you've got to understand the threat, that you're putting crews into harm's way. How do I best mitigate that?

My concern would be with, say, a Benghazi scenario is, who are you going to contact on the ground? In Tripoli, we had an embassy. We had embassy personnel. And we had people that were familiar with the ground situation at Tripoli and could determine which one was best to navigate to, be it the civilian or the military field.

So, I mean, these are all the factors you're looking at. And it's not a matter of not doing the mission, it's a matter of risk mitigation. What mitigation do you put into place to keep that crew as safe -- and I always hate using the term "safe," because what we do is not

necessarily safe. It's as safe as we can make it.

BY MS. GREEN:

Q How long did it take your guys to do the Threat Working Group?

A The Threat Working Group was over at Tanker Airlift Control Center. So I remember asking General Alvin please TWG the Tripoli area. And then by the time I came back, it had been done. So --

Q Do you know how long that might have been?

A No, ma'am, I don't.

Q And the reason I ask is because that same pilot that flew the C-17 claimed that TRANSCOM, quote, "war gamed" for 11 hours.

A Here's -- there -- I'm sorry. I hate to laugh. War game what? I mean, if you wind the clock back 11 hours, we've already talked about it, this was a fluid situation that was un- -- not unraveling. The fog -- we had a lot of fog and friction. We didn't know exactly what the ground situation was. So what was I going to war game? And then as time progressed, we got more clarity on what was going on.

And then by the time we knew, okay, the Ambassador is being moved from Benghazi to Tripoli, I mean, we had already done our homework. We were -- we had done the Threat Working Group for Tripoli. We knew the asset that we needed.

Again, by the time TRANSCOM is aware that we have an Ambassador that has been in harm's way and we have wounded, we're post-attack, okay? So we're in a recovery operation. We're not in a prevention operation. We're in a recovery operation. And the best way to do that

is to go into Tripoli.

So there's not -- I don't -- I don't understand what the aircraft commander is trying to say when he said we war gamed it for 11 hours. Were we focused? Absolutely. And we were doing our best once we had clarity of what was going on to get an asset there to get the Ambassador and the wounded back.

Q But TRANSCOM did not war game for 11 hours, did it?

A No. When you're telling me war gaming, what you are saying is, okay, should I go here or should I go there, should I use this asset or should I use this asset?

By the time we had clarity on what was going on, there was an air Medevac evacuation requirement. I'm not talking about (REDACTED) we've already got that moving, okay, so that's moving, that's going across the pond.

By the time we had clarity, it's -- we're doing an air medical evacuation, we're doing human remains recovery, we're doing the NEO of some personnel, and we're going to do it at Tripoli. Well, by then, with the fact that we knew that there was wounded, there's that one asset, and only one asset, it's Ramstein, it's the crew, it's the aircraft and it's the CCATT team.

So I'm not quite -- when you say war game to me, that -- you're looking at courses of action and different courses of action. There was one -- once we knew what was going on, there was one clear course of action, that was the Ramstein bird out of Germany into Tripoli.

Q And was that C-17 crew, were they alerted before or during

the Threat Working Group? Do you know the timing on all that?

A Oh, no. They would have -- to the best of my recollection, that would have been all post-Threat Working Group, because we did the Threat Working Group, I had enough information to say, no, we need to start looking to Tripoli so that we were in the position that we could execute when we were asked to execute.

Q I see. And I believe -- you did that before you got the order. Is that right?

A Oh, yeah. We did the Threat Working Group before we had the order to move.

BY MR. KENNY:

Q You described for us rather generally the process of recalling a flight crew if you have some sort of emergent situation.

A Like an in-system select? Is that what you're referring to?

Q I think there was a discussion of what it takes to recall an air crew --

A Oh, okay.

Q -- if it's 1 o'clock in the morning.

A Right, right, right.

Q I think there was a hypothetical that was posed for you. You described for us kind of the circumstances of recalling and the prebrief and some of the steps that were involved there. And I believe -- I may have misunderstood -- but I believe that discussion applied specific to a C-17, that there were a number of steps that were

required in order to get the crew ready, get the aircraft ready to be able to deploy. I'd like to ask if the steps that you described for us, whether that sequence, that would apply to many different airframes, not just one particular airframe. Those are general -- are those general considerations?

A Well, there is one other form of alert, called Charlie alert, that we've never discussed. Alpha alert is a 1-hour leash, Bravo alert is a 3-hour leash, okay, so wheels up.

But Charlie alert -- and I have to go back to the specifics -- is crew is identified, that if I call you, and I believe it's within 2 hours, you have to have them in the 12-hour pre-mission crew rest. So if I have indications and warnings that I might need an asset, I can go into what's called a Charlie alert, and you would have an asset available -- you would have a crew available for alert, I believe it's at the 14- or 15-hour point, because I'm trying to remember if the squadrons are given 2 or 3 hours to get the crew set, and then 12 hours.

The scenario that was given to me was you had no Charlie alert crews, you've not identified anything, you're going from scratch. And that's why I said, in my opinion, and it's merely an opinion, if you had the assets on the ramp, if you had the crews at home, you're probably sitting, I think I said something like 15 hours from the first crew being alerted, is probably what you're -- that's from a cold start, somebody picks up the phone and calls me up in the middle of the night.

Q In those factors, those apply to not just one particular airframe, they apply generally to all types of --

A It would apply generally to all airframes. When I say all airframes, all mobility airframes.

Q And the Charlie status you just described for us, what was the notification and wheels up?

A Charlie -- I went ahead and brought my notes with me on that one so that I could remember. There is a Charlie alert that we do from time to time, and I want to be able to give you the accurate numbers. Alpha, Bravo, Charlie.

So -- okay. You have to be able to identify an air crew capable of entering crew rest within 2 hours after you notify the unit, and then the crew is legal for alert for 12.

So from the time I say, hey, I want to do -- I want to do -- I have -- I am at headquarters, I think I have indications and warnings, I may need an asset, let's go put some crews in Charlie, then I have to give the unit, let's just say the 37th Airlift Squadron, because that's the squadron at Ramstein that has C-130s, I would have to call them and say, okay, I want four crews on Charlie alert. They have 2 hours to get them into Charlie, and then -- or to put them into crew rest -- then 12 hours of pre-mission crew rest, and then they're legal for alert. So it's about 14 hours.

Q So it's about 14 hours for Charlie status?

A To get somebody up onto Charlie status.

Q And Charlie status isn't some sort of default status. Is that correct? You have to actually be assigned into --

A No. You have to be assigned into it.

Q And can you explain for us, we've heard this once, possibly twice before, about being alerted and then being thereafter placed into crew rest. Can you explain for us that sequence and why that's important? Because I think you just described for us that an air crew could receive some sort of alert and then they can be put in crew rest.

A Oh, I see what you're saying. I apologize. You threw me with the term "alert."

I would pick up a phone and I would call crew members, you know, call me, hey, Pat, I need you to go into crew rest. Okay? Roger. Got it.

So once you've told me that, then you're going to give me a legal for alert time. So it's 3:30, let's say, right now, 1530. Hey, Pat, as of right now you're going into crew rest. Roger. I'll be legal for alert at 0330 in the morning.

Q And why would you notify a pilot that they're going into crew rest?

A Several reasons. Our rules follow FAA rules too, okay? We have to abide oftentimes by FAA. At 8 o'clock in the evening you want to give me 12 hours pre-mission crew rest because I can't have alcohol within 12 hours, bottle to throttle, okay? So I can't drink. I need to make sure that I have 12 hours of pre-mission crew rest, 8 of those uninterrupted where I can sleep and get the proper sleep that I need.

So you want a well-rested crew member and you want a crew member -- you know, you don't want to call me up at 9 clock at night and say, hey, Pat, I need you to launch in 2 hours, and, you know, I'm

two beers into the evening; not a good mixture right there. So that's why you would -- that's why you would have to let the crews know.

Q Okay. So just so -- I'm not familiar with the regs, I know there are a lot of them, or the Air Force Instructions, but would crew rest, then, be any period when the pilot's not on the ramp or preparing or in flight?

A That's right. You're away from -- you're -- there are some nuances about the 24 hours. You know, the first 12 hours, I think you can do light duties, I'd have to look at the AFI again, but that 12 hours prior, you're supposed to be away from the office, you're supposed to be in an environment in which you can get the proper crew rest.

Q Okay.

A They are -- and the AFI is waiverable, but it requires a general officer to do it. So there have been -- there have been times -- I'll give you a recent example. Our J-alerts that (REDACTED) we had a load master that had an emergency appendectomy. So now we just lost a J-alert. We've lost a J-bird off of alert, because now a crew lost their load master, okay?

I got a phone call that said, hey, sir, the ops crew commander's willing to waiver -- remember, it's 24 hours, because you got to be prepared to go off station overseas -- the ops crew commander is willing to waive the first 12 hours. Would you waive the next 12? We have a load master, it's like -- I think it was in the afternoon or something -- we have a load master who said he was well rested. He's fine, he's willing to go into J status alert right now. Are you willing

to waiver him?

Pre-mission crew rest is so critical that my first questions were -- was, my first question was, what are any indications and warnings that are out there that would drive me to have to utilize the J-alert? And the answer was, none. I said, then call up -- they said for SOCOM, Special Ops Command -- I said call them up and tell them we're going to have to come down off status for 12 hours. We'll waive the first 12, but I'm not going to waive the second 12. There's no indications and warnings that would drive me to have to do that.

So even though I had a load master who said, hey, I'll take one for the team, I'm rested, I'm willing to go into alert status, there was not an indication and warning that would drive me to make that kind of decision and put a crew and an individual at risk. So I took the status of the J-alert, had him come off status for a few hours until we could get the crew rest on the individual.

Q Okay. Just real briefly, we've talked at some length, I think, about both of the two orders you described for us, the one being the air medical evacuation C-17, the other being the response from CONUS.

Just so that we better understand, we saw some aircraft that were identified in the slide show that was presented for us earlier, without going into any depth, would you describe that response, from a TRANSCOM perspective, is it a significant response?

A (REDACTED)

Q Yes.

A Oh, absolutely. I mean, in my 2 years at TRANSCOM as a Deputy 3, that's the only time we did the 0300 plan. I mean, you're executing a COM plan at that point.

Q So what does that suggest to you about your colleagues' decisions that were being made within the Pentagon, within the combatant command, about the response that night, how serious it was?

A If you're moving (REDACTED) it's a serious -- there is a serious situation going on. And, again, that was, from what I remember later on in the evening, I want to say around 21 -- you know, 8 o'clock in the evening to 9 o'clock in the evening, I think, is when we got the word to do that. So, yeah, you know the situation's gotten bad if you're moving those folks out.

BY MS. GREEN:

Q General, this is now the eighth congressional investigation into the Benghazi attacks. We want to make sure it's the last, and so we are therefore asking every witness a series of questions that arise from some of the public allegations surrounding the attacks. And while anyone can speculate about the Benghazi attacks, only a limited universe of people have actual knowledge of the events that night. So what I'm asking for these questions is whether you have firsthand information. And if you don't, we'll just move on to the next question.

A Firsthand information of the events as the Deputy 3, absolutely, from the TRANSCOM perspective.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One

Congressman has speculated that Secretary Clinton told Leon Panetta to stand down, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I have no evidence.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I have no knowledge or evidence, no.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A I have no evidence.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instructions on day-to-day security resources in Benghazi?

A I have no evidence of that.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I have no evidence, no.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I have no evidence.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on

the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A I have no evidence.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA personnel who departed the Annex to assist the Special Mission Compound?

A I have no evidence.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I have no evidence, no.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I have no evidence, no.

Q Let me ask these questions for documents that were provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A I have no evidence.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I have no evidence.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I have no evidence of that.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No -- no evidence of any intention.

Q It has been alleged that the President of the United States

was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A I have no evidence.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I have no evidence, no.

Q It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the

former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I have no evidence.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to deploy those assets?

A I have no evidence.

Ms. Green. That concludes our questions, sir. And, again, we appreciate you being here and talking with us again. It's been very helpful.

We can go off the record.

[Discussion off the record.]

BY MS. CLARKE:

Q General Mordente, I just have a couple of follow-up questions. One, I just wanted to ask, near the beginning of your interview you mentioned that after the attacks there was a timeline that was created by TRANSCOM of all the TRANSCOM actions that night. Have you reviewed that timeline recently?

A I would have been unable to do it. It was simply an email to go back and look at the actions of TRANSCOM that night, when we did

what, what decisions were made. So it was done via an email, but it would have been a classified email, of which I don't have nor can keep. So I wished I had that email right now, absolutely, but I don't.

Q And then a couple of times throughout your interview we've discussed waiving crew rest and crew day, and so I just wanted to have a little more details about the actual process for waiving it. I think you just described to us an instance recently where you were asked to waive crew rest for a particular member of a crew team.

Is that typically how it's done, where someone on the team would contact you or someone who's manning that --

A It's the unit that's responsible for it.

Q Okay.

A So in a case of the example that I gave, that aircraft (REDACTED) so it would have been (REDACTED) informing the Tanker Airlift Control Center, because the Tanker Airlift Control Center would task them with that Bravo. And then if they're unable to meet it, they would come back, or in the case of this individual who had, again, I think it was an appendicitis, that's what pulled him off flight status, they would then inform TACC, hey, one of our alert birds is going down.

And then now you're trying to figure out how quickly, because we're talking the J-alerts, how quickly can you generate that asset back up, which I think you'll find is most of our airmen lean forward as far as they can, and in the case of the example that I gave, willing to waive the first 12 hours of that 24, and found an individual who said, hey, I feel like I can do this, I'm willing to have you waive

the next 12.

I wasn't willing to do it, and that's where that -- the LFA would have to come up to the numbered Air Force to do that 12 hours prior to being on status.

Q And can the numbered Air Force waive the entire 12-hour period or is there a limit to --

A You could waive it. You could. It would rest at the AFI, but it would have to be a very compelling case as to why you would want to do that.

Q Earlier in your testimony, you were kind of describing key events as the night took place. I think you talked about initially that evening when you first became aware of the attacks in Benghazi, that was through an alert from AFRICOM, a potential medical --

A A little different. We were not -- you said we were alerted to the attacks in Benghazi. No. What we were alerted to was that AFRICOM was working a patient movement requirement that involved a very high placed DV. That's about the extent of what we knew.

Q Okay. And so at that time, you were not notified that there had been an attack in Benghazi?

A I do not remember knowing that there was an attack in Benghazi. That was about -- it was, again, 1630 in the afternoon central time. I don't think I was aware of what had happened in Benghazi.

Q Okay. And then I think you said that later that evening, you, prior to leaving station and prior to returning to your quarters,

and I think you mentioned that you went out to dinner with your family, prior to that, you got another update regarding the needs that AFRICOM would have.

A It was -- before I would leave at the end of the day I would go out into the -- onto the floor. And, again, we're not aware -- I don't believe at that time were we aware of the situation, how bad it was in Benghazi. So it was more of, tell me what's going on. We have a global operation, so we have aircraft that are in PACOM's theater. At that time CENTCOM was the big show in town. So, you know, tell me what's going on over there, kind of one over the world.

I, when I left -- I would not have left the -- that location had we been aware of how bad it was in Benghazi and what was going on. That's why I'm telling you, we did not know the extent of the situation.

I believe we started to pick up that the Ambassador was missing, and it was, like, what, we have an ambassador missing? And then several hours later, we pick up that he's dead. So that's -- I mean, this kind of unfolded slow -- you know, relatively speaking, slowly over that evening.

Q And then I think you said around 8 or 9 o'clock local time is when you were alerted that (REDACTED) was deploying. At that time, do you recall any other updates from AFRICOM about the need for a medical airlift?

A I don't -- not to the specificity that would -- that I had later on that evening. Again, I think it was around 11 o'clock that evening when we were really getting clarity on the movement. I could

be off by a few hours, and I apologize if I am.

Q And then I think you stated that it was around 1 a.m. local time when you received the orders to move the C-17, and I think you said that you were having kind of a three-way conversation between the J37 and then the J4 at AFRICOM. The J4 at AFRICOM indicated there was an airframe that could move in an hour. Did you have any other clarity into was that airframe on an alert status or --

A My understanding -- my understanding is -- again, we're talking, I believe, daylight hours in Europe. So remember earlier I had talk -- you had asked me the question, sir, about generating at 1 o'clock in the morning, and I said the first thing I would look to do is do I have a crew that's coming in on a lower priority mission and pull.

My understanding is the aircraft that he was talking about was a training line. So in other words, it was a crew that was coming in to do a training mission, so they had the alert -- or they had alerted and they were in. And he could easily grab that asset and move it, because you had a crew that was fresh into their duty day, you had an aircraft, they could go fly. I believe that's where he pulled it from.

BY MR. TOLAR:

Q What makes you say that?

A I vaguely remember having a conversation, and it came to me -- and in that conversation it was designated that it was one of the training lines. I know, having been the wing commander at Ramstein when I was there, we had four training lines a day. We had

four aircraft that were dedicated to -- when I say, "training lines," we had four aircraft that were dedicated to training. They would go out and do -- you're look -- so remember I said there were 14 aircrafts when I was the wing commander. So you have two that are typically in maintenance, you had four that were dedicated for EUCCOM, four dedicated for AFRICOM, and then four dedicated to training, for the maturation, the maturing of the air crew. So pretty much on a daily basis, that was the training fence there.

So you would have crews that would come in, you would have morning goes, and then those assets would turn to afternoon goes with other crews. So they would go out and they would do efficiency sortie, go shoot instrument approaches, or maybe they would go out and do a tactical sortie where they're doing low level and air drop and things like that.

So you would have had crews that were coming in, and for -- again, I'm going off of a 3-1/2-year memory. For some reason, I believe that that crew was a crew that had come in for a training line, and they were able to grab, grab it.

Q When you were the commander, what time did those morning day operations begin or crew day begin?

A Depends on the time of year, believe it or not, because you have the -- sadly, the Germans don't like a lot of aircraft at night. So we try to bring it in during daylight. But I want to say the first go was 8 o'clock in the morning. That's takeoff time. So tactical crews, I think, for tac air drop had to come in at -- don't hold me

to the exact number, but they usually showed about 4 hours prior, I think, to 8. So you would have crews that would have come in around 4 or 5 in the morning, and they would have shown up.

BY MS. CLARKE:

Q When you were alerted or provided the deployment orders regarding (REDACTED) were you made aware of any other assets that were going to deploy or were preparing to deploy?

A No. Those are -- the (REDACTED) But we were told --

Q So you weren't alerted that orders had been issued to prepare a FAST platoon to deploy at that time?

A One of -- I probably would not have been aware of that. It's not my asset to move. Unless you call me and say, hey, I need a TRANSCOM asset to move something that's over here, I'm not going to be aware of that.

(REDACTED)

Q And then I think you briefly touched on this throughout your interview today, but can you provide to us how you were getting updates? Were those updates coming directly through AFRICOM? Were you receiving updates from the National Military Command Center? How were you getting --

A Both.

Q -- more and more information about what was transpiring?

A Having a -- to the best of my recollection, having a clear understanding of what was going on were primarily conversations between me and the J4 at AFRICOM.

Q And do you recall when those conversations took place? Is this before or after -- or close in time to when you received the order to deploy the C-17 or was it earlier in the evening?

A When you're -- I think it's closer later, later in the evening when we're really talking about -- because you kind of have to look at these two orders almost separately, you know.

Q I understand.

A So the decision for the Department of Defense to move (REDACTED) will -- again, I don't want to make this sound like it's easy, but it's kind of almost autopilot, you know. You drop the deployment order, everybody is aware of what that order means, you're given a location to go to, and then things go in motion at that point.

And so getting them out the door, from my perspective, relatively easy. I have an order, I turn to TACC, launch the J-alerts, get the other in-system select aircraft that you need to fill out the rest of the package, get it across the ocean, primarily to Sigonella, get it to that ISB. That's one mission set. Once you start -- once you make that decision and once you start putting those things into motion, it's almost like autopilot.

The other one, far more difficult from my perspective, to, hey, I need an air medical evacuation, I need human remains recovery, and I need a NEO. Okay. Where do you need it, who am I meeting up with, what airfield am I going to? You want me in Libya. Do I have permission to put a plane on the ground in Libya? A lot more questions, a lot more dynamic mission set, believe it or not, to launch the one

airplane.

So a lot of the conversation, the clarity you're talking about was centered on that piece right there with me talking to the J4. In fact, the first indication of the condition of the patients was a Power -- what I remember to be a PowerPoint email sent to me from James Johnson that said patient one, two, three, four, and here's what you've got. And, I mean, that was all the way -- we were moving so fast at that point, that I was later told that by the time we could fax it to Ramstein, they were running it up on the back of the ramp, the engines were already running, and they handed it to the CCATT team.

Q I wrote down in my notes, and I apologize if I'm rephrasing this incorrectly, but I think you said that at the Pentagon, Major General Lagata -- and for the record, is it Lagata or --

A Nagata.

Q Nagata.

A I think it's -- I want to say it's N-a-g-a-t-a, at least that's phonetically how I would pronounce it, Nagata.

Q Nagata. I wrote down that you said that he had the lead that night.

A He was my -- again, for day-to-day conventional movements, I would normally talk to the J33. And I, for the life of me, can't remember who it was that night, who the J33 was. This was different. We launched a Special Operations Force. So for me to talk to the J37 was not out of the question.

When I say he was in the lead, as far as I was concerned at

TRANSCOM, that's who I was taking orders from that night.

Q And was that specifically related to (REDACTED) or was that --

A (REDACTED) and then the follow-on piece too, I continued to talk to him. He felt -- from my recollection, when I asked the question about authorities, what was relayed to me on the phone, to the best of my memory, from General Nagata, was that general counsel felt that the DEPORD was enough to give us the authorities to do what we needed to do.

And at that point -- again, you know, I think I was asked earlier about, you know, trying to hold assets up. Absolutely not. We were in a -- it was just the opposite. We were trying to move as fast as we could.

Q And just so I understand, what he relayed to you about his conversations with the general counsel was that the general counsel believed that the deployment orders for (REDACTED) was sufficient to give you the authorities to do what you needed to do with the Med --

A What I needed to do.

Q -- Medevac?

A Right. And at that point, all I cared about was I just had a two-star from the Joint Staff tell me I had the authority to do it, and we launched.

BY MR. TOLAR:

Q And just a couple for the record. Again, (REDACTED)

A Right. It's actually (REDACTED)

Q And in terms of crew rest, crew rest, once they're put on notice, they're in crew rest for 12 hours. Can a pilot just go, "Eh, I'm rested. I'm going to show up and start my mission"?

A Nope. That actually is a violation of crew rest.

Q (REDACTED) Is that your understanding?

A Oh, wow. I know the J-alerts are on (REDACTED) I would have to look at the order.

Q Are you aware of any delays that night with the aircraft that prevented (REDACTED) from meeting their N+ requirement?

A I have no recollection of any -- and when you say "delays," the only delay that could possibly have occurred is had we had a maintenance delay, and I'm not aware, nor do I recollect any maintenance delays that night.

In fact -- the situation's a tragic situation and I don't want to downplay the tragedy of the situation. From a TRANSCOM perspective, we moved flipping fast. From the time we were given the orders to go, it went, from my perspective, like clockwork.

I mean, you look at assets, look at what we moved across the ocean and how fast we moved it across the ocean. Look at what we did coming out of Ramstein to pick up wounded and human remains and how fast we moved them back.

The only -- the only -- you know, when people look back and say, "Well, why did you wait till this point in time?" is because we didn't have all the facts of what was going on. We, at least from TRANSCOM's perspective, we didn't have clarity of what the ground situation was.

And once we did and once we had clarity on who we were picking up and where we were picking up and all that, we moved pretty quick.

Q And let's just -- I want you to talk about it a little more, because earlier in the day you made the comment, and I think I got this right, TRANSCOM was late in the game. Explain what you meant by that.

A Well, I can only -- one, I can only speak from TRANSCOM's perspective, okay? I can't talk about AFRICOM, EUCOM, Joint Staff, Secretary of Defense, what knowledge they had. I wasn't there.

When I say we were late in the game, at 1630 is the first indication that something's going on in AFRICOM, 1630 local --

Q Local time?

A -- central time.

Q Yes, sir.

A If I do the math correctly, I believe the attack has already occurred. So when I say, "late in the game," what I mean by "late in the game is, if there was ever any thought that there was going to be a rescue attempt to go in to save the Ambassador's life or anybody else, at 1630, all we know at that point in time, central time, is, hey, we're working a Medevac situation and it's a DV that's involved.

By the time we're brought into a clear understanding of what's happened, it's happened, it's over with. That's why I said later that we were not in a preventative, preemptive mode, we were in a reactive, recovery mode. And it just has to do with what we knew and when we knew it.

Ms. Green. What is a DV?

General Mordente. A distinguished visitor, a high ranking official.

Ms. Green. That's what I thought.

General Mordente. Sorry.

BY MR. TOLAR:

Q Last one, I think, here.

An unclassified view of the timeline says that 12:05 a.m., or 11:05 p.m. local central time, 11 p.m. local central time on the 11th, AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.

A AFRICOM cannot give the order. And, again, I want to go back, one, and say I'm going off of a 3-1/2-year memory, so if I'm off by an hour or 2, I apologize.

AFRICOM can't give that order. Only TRANSCOM can give that order, and they can only give that order when the Joint Staff tells me I have the authority to do it. AFRICOM never had OPCON, TACON, or ADCON of that C-17 asset. Absolutely not allowed to do it. They may think they do, but they don't.

Q I want to thank you for your service.

A Can I make one clarity, since I'm on the record?

Q Absolutely. Sure.

A Because I'm going back and thinking about some of the things that I said.

I never want to give the impression -- because I think it was said earlier that I was in charge that night -- I don't want to give -- I

was a colonel, okay? I was making operational decisions that were within the scope and the authorities of my position as the Deputy 3. I was not in charge of the command. To the best of my recollection, General Fraser still had the flag. The decisions I made were simply operational in nature. So --

Q Let me do this for you.

A Yeah.

Q My point of saying that was you're a lot like an Admiral Leidig. Admiral Leidig was the number two guy, his boss was away, so he was the guy in the J -- in the JOC making the decisions, just like you were. And that's what I meant to --

A Okay.

Q That's the reason for the line of questions. Is that accurate?

A I was making operational decisions.

Q That's right.

A Okay.

Mr. Tolar. But, again, thank you for your service.

General Mordente. Thank you, sir.

Mr. Tolar. Thank your wife for her service. Appreciate your time here today. Good luck in the future.

General Mordente. Thank you. I appreciate it.

Mr. Tolar. We're off the record.

[Whereupon, at 5:08 p.m., the interview was concluded.]

INTERVIEW OF ODNI ANALYST

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF ADMIRAL RICHARD LANDOLT

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 5, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*

MAC TOLAR, *Senior Counsel*

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PETER KENNY, *Minority Senior Counsel*

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FOR THE U.S. DEPARTMENT OF DEFENSE

EDWARD RICHARDS, *Office of the General Counsel*

WILLIAM HUDSON, *Office of the General Counsel*

Mr. Tolar. This is the transcribed interview of Admiral Landolt, United States Navy, retired, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House resolution 567 of the 113th Congress and House resolution 5 of the 114th Congress.

Sir, would the witness please state your name for the record, your full name.

Admiral Landolt. Richard Banks Landolt.

Mr. Tolar. Thank you, sir. And again, the committee appreciates your presence here today in assisting in this investigation.

Admiral Landolt. Sure.

Mr. Tolar. Again, my name is Mac Tolar, and I'm with the committee's majority staff.

At this time, I'm going to ask everyone in the room to please introduce themselves for the record.

Ms. Green. Shannon Green with the minority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Hudson. Bill Hudson, Office of the Department of Defense, General Counsel.

Mr. Richards. Ed Richards, DOD OGC.

Mr. Tolar. And we have Phil Kiko from the majority staff.

Sir, as you can see, we've got an official reporter here taking

down everything we say in order to make a written record. Accordingly, I would ask that you provide verbal responses, such as yes or no to our questions as opposed to nods of the head. I'm also going to ask the reporter to feel free to jump in anytime we seem to be breaking that rule and --

Admiral Landolt. Understood.

Mr. Tolar. Thank you. Also, please understand that although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this?

Admiral Landolt. I do.

Mr. Tolar. Sir, is there any reason why you are unable to provide truthful answers to today's questions?

Admiral Landolt. There is none.

Mr. Tolar. That's the end of my preamble.

Shannon, do you all have anything?

Ms. Green. No. Sir, we just appreciate you coming in to testify again. We understand that you testified a couple years ago --

Admiral Landolt. Correct.

Ms. Green. -- before the Oversight in the House Armed Services Committee about the attacks in Benghazi.

Admiral Landolt. Correct.

Ms. Green. Did you have a chance to review that transcript before coming in today?

Admiral Landolt. I did.

Ms. Green. We also had the opportunity to review that transcript, and we will do our best to not cover ground that you covered previously.

Admiral Landolt. Okay.

Ms. Green. And again, just thank you for being here today.

Admiral Landolt. All right.

EXAMINATION

BY MR. TOLAR:

Q Sir, as you just mentioned, you have been interviewed by the HASC Over Committee of March 18 of 2014 as it relates to the matters in Benghazi. Have you been interviewed by anyone else regarding Benghazi?

A I got a local query from Mobile News Station, but that was just generic.

Q When did you receive that?

A That would have been -- when did Hillary Clinton testify? It was that same week.

Q Yes, sir, in the fall of last year.

A Right.

Q Okay. Was that just more of an interview than anything else?

A Right. It was somebody got wind that I was involved in Benghazi, and they asked some generic questions.

Q Yes, sir. Do you understand what the Accountability Review Board is?

A I do.

Q Were you interviewed by the ARB?

A I was not.

Q Did AFRICOM provide any RFIs to the ARB?

A Millions. I mean, a lot.

Q What were the nature of those, just generally speaking?

A Well, as I recall, there were a lot of RFIs coming in from different directions, up to Sixth Fleet Staff, to our staff, to all our components. And then at some point, Joint Staff directed us to find a single belly button, so to speak, where it all goes through. So our chief of staff was our central point of contact for any RFIs.

Q The AFRICOM chief of staff?

A Correct.

Q Yes, sir. And who was that, please?

A That was Major General O.G. -- those are initials -- Mannon, M-a-n-n-o-n.

Q What service was General Mannon?

A Air Force.

Q Thank you.

Do you know if any of your AFRICOM staff was interviewed by the ARB?

A I believe the answer is no. I don't know of anybody who was interviewed by the ARB.

Q Do you know if Ambassador Tony Holmes was interviewed by the ARB?

A I don't think so.

Q Do you know if any of his staff was?

A I don't think so.

Q Thank you.

Sir, at this time, if you would, please walk me through your billets as a flag officer.

A I had four flag billets. The first one was the deputy director for Amphibious Force Resources in the Navy Staff. It was then coded N-85. I worked for a two-star Marine general named Benes, B-e-n-e-s. After that, I went out and I was the Expeditionary Strike Group 7 commander, which was also titled commander Amphibious Forces, Seventh Fleet. First job I was in for 1 year, and second job I was in for almost 3 years. From there, I picked up my second star and was the N-52, which is director international engagement for the Navy Staff. And that was a 1-year job before I was nominated and selected to be the J3 on AFRICOM. I retired out of the J3 job.

Q And you retired in February of 2014?

A Correct.

Q Again, thank you and your wife for your service.

A I'll tell my wife that because she's having root canal surgery today, and I'd rather be here than there.

Q At the time of the attack, let's see, you were serving as the AFRICOM J3, correct?

A Correct.

Q Please, if you would, walk me through the AFRICOM force

structure, kind of how it was organized.

A As in the wire diagram?

Q Yes, sir, just broadly.

A General Ham was the four-star combatant commander, and he had two deputies, which is unique for a combatant command. The Deputy For Civil Military Affairs, who was Tony Holmes at the time, when I got there, and then Joe Leidig, Vice Admiral Joe Leidig was the DCMO Deputy Commander for Military Operations. Under him was the normal stovepipe of J1, J2, through J8.

And do you need the names for all those people?

Q No, sir.

A Okay.

Q All right. Do this, talk to me about Ambassador Holmes. What was his role?

A More of an engagement and advisory role and a direct link to the State Department on behalf of General Ham. I'd call him a super political adviser.

Q Okay. All right. Let's go back up. Talk to me about what kind of assets -- I'm particularly concerned or interested in lift assets and/or trigger pullers that AFRICOM possessed at the time of the attack.

A At the time of 9/11?

Q Yes, sir.

A Very few. (REDACTED) We had assets in Djibouti, armed predators out of Djibouti. We had no naval assets in the Med. We had

P3s out of Sigonella. We had the predator out of (REDACTED)

Q Was that under your command, the AFRICOM command?

A It was.

Q Thank you.

A We were due -- this was September 11. On October 1, we were due to get our own, what's called a CIF, C-I-F, Commanders-In-Extremis Force. But that was coming to us without what are called the enablers, the logistics assets that can get it around, the lift assets primarily. So that CIF actually was in Croatia for an exercise and was moved to Sigonella that evening because of the events in Benghazi.

That's pretty much all I recall. We had -- other than SOUTHCOM, we probably had less assets than any other combatant command in our military.

Q So let's talk about that, the CIF response for a second here. It's my impression, my understanding, based on interviews to date, that the CIF that was present in Croatia was the EUCOM CIF that had a dual role to support AFRICOM when necessary, but that a second CIF was in the process of being created, and that was the CIF that would become the AFRICOM CIF on or about October 1. Does that make sense?

A That makes sense. I don't recall it that way, but it could have been that. I suspect elements of that CIF that EUCOM had would probably -- might have comprised the future CIF we might have received.

Q Okay. And then go back to Djibouti real quick. Can you talk to me with a little more specificity about what kind of assets

AFRICOM had in Djibouti at the time.

A Mostly -- well, we own the Commander Joint Task Force, HOA, Horn of Africa. We own the base, ownership -- Navy is actually the executive agent for the base, pays all the bills, but it's under our OPCON.

Q Camp Lemonnier?

A Yes, sir.

Q And then -- but talk about what kind of -- well, talk about JTF very briefly, what's their mission and what kind of assets they have in terms of trigger pullers response, et cetera.

A The commander for JTFHOA, it's mostly an engagement mission. He's doing security assessments, reviews, and engagement with countries in the region, five or six of the African countries in the region, but it also has a high counterterrorism value with our armed predators that are used both in -- again, around the seam of CENTCOM there and Africa command. (REDACTED) And I'm sure I don't need to explain to you what AUMF means.

Q Talk to me --

A (REDACTED)

Q I'll tell you what, for the record, explain what AUMF is, please.

A Authorized use of military force on individuals designated as a threat to the United States or its allies.

Q Talk to me about what the African Partnership Station is. You referenced that in your previous interview.

A Sure. Africa Partnership Station is a sea-going effort in the Gulf of Guinea where we would -- once a year, we would send a ship for 3 to 6 months, and it would do engagement Coast Guard-like activities with Naval and Coast Guard entities in the Gulf of Guinea, five or six countries there. I've seen an LSD perform that task with multinational embarkments. I've seen a joint high-speed vessels, JHSV's do that more recently. But it's a continuous partnership with nations and the Gulf of Guinea. It's a maritime effort.

Q And where's the Gulf of Guinea?

A Western Africa.

Q Thank you. And then to talk me briefly about what the Benghazi attack network is. You also referenced this in your previous interview. (REDACTED)

A That was post 9/11 --

Q Check.

A -- and that was to try to get eyeballs on and figure out where the network resides and put surveillance on that network. That's how we were able to keep an eye on Khatallah, for instance, an identified leader of the 9/11 attack.

Q Was the Benghazi attack network a -- was that part of the new normal? Was that a separate operation?

A That was a separate operation.

Q All right.

A That was a (REDACTED)

Q And explain what a (REDACTED) is again.

A (REDACTED)

Q You kind of alluded to this, but I want you to flesh this out, please, sir. And these are my words. Although AFRICOM is a combatant command, it doesn't seem to really operate in that way in that you don't really have trigger forces and other things. It seems more like an administrative command. Would you kind of talk about that, and is that accurate?

A Well, I can give you some background history on it because I was there at the creation. I was the four-star EA to Commander Naval Forces Europe that later on became Commander Naval Forces Europe and Africa. And EUCOM, I think it was 2008, split in two. One-half became -- continued to be European command; the other half became Africa command. The Kelley Barracks side became Africa command.

So being headquartered in Europe, there was still that linkage with EUCOM, because any forces we did have were on EUCOM soil, so we would have to work through them to gain permissions, and they were the ones who had all the contacts with those countries. So there was a -- I think it's fair to say, as you just said, that it was an administrative command, but incrementally creeping towards being more of your normal combatant command, as we figured out how we had to rig our forces, so to speak.

Q When you left in February of 2014, had it reached that point, in your opinion?

A I left in January of 2014. And I was proud of my staff's efforts. Once the new normal came out, we -- with the help of the

Marine Corps and the Army, they had generated forces that we could use and better cover contingencies in northern Africa and eastern Africa. We took risk in southern Africa, because you remember the new normal order identified (REDACTED) embassies that were high risk --

Q We'll come back to that, the new normal in a minute, sir, if that is okay.

A Okay. All right.

Q If you don't mind. Is that all right?

A But so we had the special MAGTAF in Moron, Spain. We had the East African Response Force out of Djibouti. So by 2013, mid-2013, we did have some dedicated assets that we could rely on.

Q And in terms of your chain of command, talk to me about that briefly.

A My chain of command was Admiral Leidig and General Ham.

Q Talk to me briefly about AFRICOM's relationships with defense attaches around the continent, who is your primary point of contact, what's that like?

A Our J5, Major General Hooper was our J5, and that was really run under his shop.

Q Is he the primary liaison for all DATs?

A I would say yes, because the DATs are usually foreign area officers, FAOs, and General Hooper also happened to be an Army FAO.

Q Walk me through, please, your responsibilities broadly as the J3.

A As the J3, the director of operations slash cyber, I was

responsible for maintaining oversight of all deployed forces and -- I'm looking for -- I'm having a senior moment here -- but helping those forces that were to deploy guide them as to what kind of capabilities we would like when they do deploy.

For instance, as I just mentioned earlier, (REDACTED) So we would put that in. So I would request forces for future potential contingencies. I would maintain oversight forces in theater. I would also coordinate with EUCOM and CENTCOM primarily on forces that would be shared between the seams, at the seams between us. So broadly, responsible for oversight of all forces deployed and preparing to deploy.

Q And, sir, just for clarity, when I refer to your previous statements or words of that effect, I'm talking about your interview you did back in February 2014, right?

A Sure. Okay.

Q At that time, I think you indicated that you were not aware of U.S. facilities in Benghazi at the time of the attacks, but did not believe your staff was either. And then you made the comment, well, actually, you kind of -- you learned about some presence there when you found out about the IED attack in June. Does that make sense?

A It does.

Q Other than that IED -- or until that IED attack, had you had any knowledge of the U.S. presence in Benghazi, either the TMF or the Annex?

A Let me walk you through my first 2 months. I reported

mid-April. Mali had just undergone a coup the month before, and there was a horrific accident where we lost some SEALs and some civilians in the capital of Mali. Then we were involved over the next -- and from that time I reported aboard until late May, (REDACTED) I don't think I need to go into that here. That ended late May. And I remember the IED incident happening early June, and that was my first wakeup indicator that I realized that, wow, we've got to watch this.

Now, when you say that I -- I knew about the Benghazi -- it's not a consulate, but where the Ambassador perished, I didn't know about the CIA facility until that night of 9/11.

Q And so the Ambassador's facility, we can -- we'll call it the TMF. Is that the name?

A TMF, right.

Q Temporary mission facility?

A Yes, sir, uh-huh.

Q So you learned about the TMF -- the first time you learned of that was when the IED attack occurred?

A Correct.

Q And you found out about the Annex when the actual physical attack occurred on September 12?

A That's what I remember, yes, sir.

Q Okay. Do you have an appreciation of what your staff, the J3 staff knew about those facilities in Benghazi prior to the attacks?

A I knew that they had hired militia, local militia to be their guard force and that -- that was about my understanding, that it was

lightly defended and -- but I didn't, you know, there's 54 countries in Africa command's AOR. I was focused more on Somalia, which was General Ham's priority, and we had a lot of ISR going towards Mali and southern Libya to sniff out the terrorist network writ large.

Q When you became aware of the IED attack in June on the TMF, it sounded like you alluded to the fact that, wow, this was kind of an eye opener for you. Is that accurate?

A That's accurate. And then a month later the British Ambassador was attacked, and we helped rescue him, as I recall, some of our forces were involved in that rescue and then they left the country, the Brits.

Q Did AFRICOM issue any guidance or do any kind of different planning with regard to Libya's result of that IED attack?

A No. But I recall General Ham meeting with Ambassador Cretz. I remember reading Ambassador Cretz's outgoing SITREP, so to speak, situation report. Late July, I started getting more and more involved with -- in making myself more aware of that, the SST, because the deadline was coming up on transition. I remember speaking with Ambassador Stevens on a secure VTC late July. Brian Losey was with me. And then the Ambassador visited us early August. So I was aware of talks going on, discussions going on with General Ham and the Ambassador, but I was not given any direction to pursue anything other than maintain my awareness.

Q Do you have an appreciation as to whether or not your staff was aware of the Annex in Benghazi prior to the attacks?

A I don't think we knew about it. And my sense is that it was a CIA asset, so it was probably compartmented information. We would not have known that.

Q At the AFRICOM J3, I want to get your opinion at the time of the attacks of what the security situation was, first in Tripoli, and then talk to me about Benghazi. What was your impression, or your opinion, of the security situation in those two cities prior to the attacks?

A I'd probably say I was more focused on Tripoli because that's where the embassy was, A; and B, I remember early August there was an incident with the SST ran up against a roadblock, and shots were exchanged with probably a local militia that was antagonistic towards us, and that got some high-level attention. So I was concerned about Libya, but I would be probably more on Tripoli than Benghazi.

Q And what was your impression of the security situation in Tripoli?

A It was bad. When shots are exchanged, when you've got roadblocks that the SST folks had to get through to get to their training area, that air base on the other side of town, I think it was, we were very cautious with a desire to lean forward.

Q What do you mean by that?

A Well, we wanted to vet people for the 1206 program, and we did it out there at -- Brian Losey's folks did it out there.

Q When you say people, you mean Libyans?

A Libyans, correct.

Q Please continue.

A So, you know, we wanted to continue to pursue the 1206 program, but Libya was still highly ungoverned. It was hard to get -- the Ambassador kept talking about how he wanted to get permissions and SOFA-like agreements with the government, but there was no government, so to speak, to talk to. And that was probably a problem for him. We still wanted to move forward but -- you know, do I need to get into a whole discussion again about the SST and who had control and who didn't?

Q We're talk about that later, sir, if you don't mind.

A Okay.

Q But I do want to get into that.

Would you characterize Tripoli as being permissive, nonpermissive in terms of the ability to operate there?

A It was not permissive. It was somewhere in between. You know, I have not visited there. My sense was --

Q You have never been to Libya?

A Pardon me?

Q You have never been to Libya?

A I have not ever been to Libya.

Q Thank you.

A I have been to many places in Africa but not to Libya. So -- but the SOCAFRICA commander would visit frequently, both Brian Losey and Jim Linder.

Q And who was the second name?

A Jim Linder.

Q What was his billet?

A He was my deputy for a while, but then he was the future SOCAFRICA commander. He relieved Brian Losey, that would have been summer of 2013.

Q And then talk to me about Benghazi, please, your impressions of what the situation was like on the ground prior to the attacks?

A I would say there was -- the security was tenuous there based on the incident in June and the incident in July with the Brits.

Q Were there ever any requests made to AFRICOM to provide any kind of additional security? Were there any discussions about that?

A We continued to tell Ambassador Stevens that we're here to support you. We would provide you security if asked. And that was the point with the SST. I would be speaking for General Ham here, but I think he'd agree that if he wanted that SST to stay, we would have been happy to provide it.

Q Were there ever any discussions about perhaps putting all or a portion of the SST in Benghazi?

A There was not. I don't recall any.

Q But you do recall specific offers to the Ambassador to provide -- to allow the SST to remain under the chief of mission authority?

A No, under General Ham's authority, starting that 3rd of August.

Q Check.

A Yeah.

Q Okay. We'll get to that in a minute.

Any other thoughts about Benghazi prior to the attacks?

A That it was something to keep our eyeballs on.

Q Check.

A The situation was probably deteriorating based on the evidence of the summer.

Q Sir, in the summer of 2012, particularly in the August timeframe, ISR missions over Benghazi and Tripoli were suspended due to complaints from the Libyans. Do you recall this?

A Vaguely. Suspended or were they rerouted? I remember, we might have suspended for a spell, (REDACTED) So, I do recall that there was a discussion, there might have been a suspension, but I remember getting around it eventually.

Q Was there any kind of moratorium in place for Benghazi or Tripoli at the time of the attacks?

A I don't recall.

Q Do you recall ever discussing the issue with Ambassador Holmes or his staff?

A No.

Q Who would provide you guidance or direction as to what the drones could or could not do, based on those complaints from Libyans?

A I remember at our morning meetings with General Ham and the J5 and Admiral Leidig and Tony Holmes, we would discuss some of the limitations because General Hooper would be talking to the DAT down

there. And we did come up with some kind of formula, (REDACTED) some parameters that we could pursue in order to get some ISR back out there.

Q Sir, at this time, if you would, kind of walk me through September 10, kind of what you were doing that day, what were you all thinking, day before 9/11, any guidance issued to the folks, anything like that?

A Over the week or two leading -- I used to have these, I think, biweekly meetings with all my J3 components on a big VTC, and I remember putting out the word, hey, September 11 is coming up, due diligence. And it wasn't just for forces down range, but also here in Europe, because our component headquarters were all in Europe. So I remember drafting a messages for General Ham to release. He didn't want to release it though, just a general, think about this, the anniversary is coming up for September 11. We should be -- keep our head on a swivel, so to speak.

So I remember going to bed that night thinking, yeah, it's 9/11, but I hadn't received any indicators or warnings that anything was amiss, or that had me raise an eyebrow.

Q When you say your J3 peers, is that limited to the ones in the AOR, or is that all J3 components, or COCOMs?

A This was our components, AFRICOM's components, Navy, Air Force, Army, Europe. They're dual-hatted as Europe and Africa.

Q And what was the nature of the message? Just talk to me more specifically about the message you drafted that General Ham decided not to send out?

A Just keep an eye out for any suspicious activity. If you see something, say something kind of cliches. So it was probably a two or three-paragraph email -- or message reminding everybody that we should exercise due diligence during this anniversary that Al Qaeda likes to celebrate.

Q As the J3, was that typically your responsibility to draft such messages?

A No, but I took it upon myself to do it.

Q Why did you feel the need to do that?

A I just thought it was a prudence, as an operator, to remind everybody.

Q Was that based on activities in Cairo or anything else specifically?

A It was based on things I'd learned over the years. You know, I was forward deployed in Japan for 3 years, and we were chasing terrorists in places like Indonesia as well, and there had been bombings in Indonesia. So I'd see my boss send out that kind of a message, so I took that as due diligence and prudent advice.

Q Did the General give a reason why he felt like necessarily he chose not to do it?

A He did not.

Q Of course, you didn't ask him to explain himself?

A No, I didn't. With General Ham, less is more.

Q Anything else about the 10th you want to share?

A No. To me, I recall it as being just unspectacular, another

day at the office.

Q Did you give any specific guidance to your staff?

A I did not. I don't recall.

Q Okay. Let's talk about September 11, please.

A All right.

Q Kind of walk me through the day. Obviously, the events happened in the evening. I don't need -- I'm not worried about what you ate for breakfast necessarily, but kind of walk me through.

A It was a Tuesday. I remember that day, another day at the office. I remember going home and going to bed earlier than normal. I normally would go to sleep between 10:00 and 11:00, and I hit it 9:30 that night. I recall being in bed about 10 minutes when the phone rang, and it was my -- the JOC commander saying I need to talk to you ASAP, secure.

Q Who is the JOC commander?

A I don't know who it was, but --

Q Okay.

A It rotated. It's a 24/7 operation. And so I went down, (REDACTED) and he told me that the DAT in Tripoli had just called and said that the consulate facility is under attack, and there are two people missing, one of them the Ambassador. That was enough for me to call General Ham on his TANDBERG in the Pentagon.

Q Is that the first call you made?

A That is the first call I made.

Q Check. Was he aware of the attack when you spoke to him?

A He was not.

Q Okay. Given the fact that he was out of the AOR, and Admiral Leidig was in the AOR, is the reason you didn't reach out to Admiral Leidig first?

A No. I reached out second.

Q And then were you the first person to make Admiral Leidig aware of the attack?

A I was.

Q And what was the nature of you-all's discussion then?

A I gave him the same initial report I gave General Ham. I said, I'll continue to monitor and called back to the JOC. And I think it was the second call I got from the JOC, they said they had found one missing person who was dead, the Ambassador was still missing. I re-called General Ham and Admiral Leidig and passed that on. I don't know, I probably called Leidig first the second time, because we both agreed that we need to set up the FPOC, the focal point ops center. And I thought he'd go that route, and so I want to be able to tell General Ham this is what we're doing.

Q You thought Ham would go that route?

A No, Admiral Leidig.

Q Thank you.

A Yeah. And so that's exactly what we did. So I probably called back the JOC and said contact everybody who's involved with the FPOC, get it started ASAP, and then I called General Ham and said, We've got one dead and we are going to set up the FPOC on a second call. That

was about 10:15 now by the time I got him the second time.

Q Talk to me about the FPOC, what it is, why it's necessary, et cetera. And do you know what the acronym stands for?

A Focal point ops center, operations center.

Q There you go.

A And it's a second operation center, but works at a higher classification level. We've got as many special forces doing special force-type of things, you want to have a crew that is cleared to operate at that level. We thought that this was a scenario that could play out in many different directions, and we thought it's time to bring in the A team, so to speak.

Q When you refer to the A team, you're talking about special operators?

A The special operators and those who have the highest classifications available. We were read into a number of programs.

Q That night, is that where the action was for AFRICOM and the FPOC in terms of command and control?

A It was.

Q Okay. Why are lawyers and/or political advisers necessary in the FPOC?

A Because it's an interagency approach to problem solving here. And when you've got rules of engagement involved, when you've got countries and ambassadors involved, you need State Department connectivity, you need to bring in all of those different agencies to help fight the problem.

Q Did Ambassador Holmes have a representative in the FPOC?

A I don't recall.

Q Does Ambassador Holmes -- briefly, what kind of -- does he have a personal staff or people that work for him directly?

A He does, but it's very small, like -- I don't even think he has an aide. He's got like a front office, and they go home at night. I don't think they're cleared in.

Q Does he have any other staff that kind of like work directly for him in the three shop or anywhere else in AFRICOM?

A You know, maybe the J9, which is the engagement people that do -- they go to a lot of conferences and go down range and meet with embassy folks. But I don't recall him being a player that night. He may not even have been in town. I don't recall.

Q And would he have somebody in the FPOC though? The political advisers, are they part of your staff or were they his staff?

A You know, I don't recall, because J5 would have some of that. They do a lot of engagement with POLADs, as would Tony Holmes, but Tony Holmes at a higher level.

Q Where was the FPOC located with respect to the AFRICOM JOC?

A (REDACTED)

Q Was the JOC even really relevant that night, given what the FPOC was doing?

A Well, there was a transition from the JOC to the FPOC, so it was relevant until about midnight.

Q And then once that transition occurred --

A Once we had connectivity with Lieutenant Colonel (REDACTED), the DAT, ourselves, and the FPOC, I would say that's when the transition occurred.

Q So the FPOC has a full communications suite, everything you need to conduct operations?

A It does.

Q So let's keep talking, walk me through, please, up until midnight. You get the FPOC set up, kind of what do you know at this point, where is your head on planning, things of that nature?

A Right. Eleven o'clock, both Leidig and I are sitting there. He's in General Ham's seat, which has the red switch, which is a connectivity up to the President and above. We're talking mostly to the Joint Staff. We've got all our screens turned on. We've got the predator feed on one screen. We've got CNN, FOX News on various other screens. And probably by midnight, we've already talked to General Ham once or twice again, I believe, and we're in monitor mode really and brainstorm mode. We know we've got a dead body on our hands. We've got a missing Ambassador. So around midnight, I believe, we'd heard that there is forces in Croatia heading to Sigonella that's getting back to the CIF forces.

We'd heard that (REDACTED) was put on alert to deploy. And we were having discussions on FAST teams and where they should deploy to. So I'm getting kind of foggy on you here because that's the way it was.

Q Yes, sir. No, I understand that. And I'm not trying to hem you down on time or anything; I'm just trying to get an appreciation

of, kind of, what type of missions you all were considering --

A Right.

Q -- what your response was going to be, and then how you would use those forces to execute the mission. So were you planning a rescue mission or --

A I think two things were going through our minds: One was an exfiltration-type of mission. We wanted to get all our Americans out of there. And the other was -- what was going through my mind was 1979 and a hostage situation similar to Iran, and so -- and I think that's probably what was going on in the minds of people back in the Pentagon because those forces were deployed without our ordering them. They just went ahead and did them and told us about them later, which is fine. I thought that was prudent as well.

Q Once (REDACTED) gets spun up and activated, how much input does AFRICOM, the J, have as to what they're going to do, if any?

A I'd say a lot.

Q Oh, do you. Okay.

A I would think that's -- well, they're not going to be there for another day. They're in the States, okay, so that will give us time to plan and do some basic analysis and come up with some COAs, perhaps. But I would say we would have been very involved with whatever scenario might have played itself out on them.

Q Were you involved in any discussions for establishing the intermediate staging base?

A I was not.

Q Do you know if there were any discussions about establishing that in Tripoli vice Sigonella?

A I don't recall that at all. To me, going to Sigonella was the closest point of approach that was allowable there. We do a lot of work out of Sigonella. I was familiar with Sigonella from my days when I was the aide to the four star back in 2006 and 2007. So to me, it just made instinctive sense that Sigonella should be the intermediate staging base.

Q Anywhere else that should have been considered or that was considered that you're aware of?

A Not that I'm aware of, no.

Q What kind of initial discussions were you and your staff having about the response and whether it should be to Benghazi, to Tripoli, or whatever?

A I just recall focus was on Benghazi, but also thinking about -- probably thinking about getting people out of Tripoli at some point. But it was more on Benghazi. And I know Admiral Leidig was making phone calls to General Franklin and his three-star counterparts and what's available out there. We both knew, as naval officers, that we didn't have a carrier or a MEU, a float available. We knew anything in HOA was too far away.

But you also have to remember that the first firefight was around midnight. We didn't anticipate a second one at 5:00 in the morning. So after things died down, there was discussion between General Ham, myself, and Admiral Leidig as to where we go from here. And we were

still a fog of war. We still didn't have the Ambassador. And at some point, you're going to want to get into the M-16 piece. We knew we didn't have much capability at hand for an immediate response.

Q We'll get to that, sir.

In terms of, though, after the first attack, was there a sense that perhaps this thing had passed and the dust had settled and --

A There was that sense.

Q Talk about that a little more. Was there a general agreement amongst yourself and General Ham and Admiral Leidig of that, Well, we got through this thing with minimal damage? Or what was the process? What was the thoughts?

A Yeah, there was a sense that we needed more information, that it looked like the initial attack had ended. We had the one dead body on our hands, but we still had a missing Ambassador. And then the Embassy, through the DAT, was telling us that they were able to get a plane and they were going to fly people over. So I thought, okay, well, that will give us better situational awareness. So there was that lull where, Okay, let's wait and see what happens here.

Q Were you or your staff or any discussions about, well, this was all about just snatching the Ambassador? Do you recall that, if that was an issue?

A Later on we thought that might -- not that evening, no. But later on there was some intelligence we reviewed that could have led to that conclusion.

Q Talk to me about how -- you kind of alluded this with General

Leidig's phone calls, but how do you generate a list -- you know, if you're the AFRICOM J3 and you've got to facilitate a response, how do you generate a list of what assets you can turn to or request to facilitate that? How do you do that?

A Well, we do a lot of war-gaming, table top exercises throughout the year. And there's checklists to everything, but it's always mission dependent. We didn't know what kind of mission we had, so it would have been prudent to find out, Well, what's out there? What's available? What's on strip alert? And as you know, we didn't have much under our OPCON. We would have had to request from EUCOM anything, which is the same, meaning most of them are dual-hatted anyway.

So if you've got -- an exfiltration is different from a hostage rescue, which is different from a permissive NEO, so to speak. So you generate what you need based on what the mission is.

Q And just in terms of a NEO, in your mind, that would have been a nonpermissive NEO, correct, in Benghazi?

A In Benghazi, correct.

Q Yes, sir. How about in Tripoli?

A In Tripoli, I can envision it possibly being permissive but maybe not, because events, as they continue to roll out through the week between Cairo, Benghazi, Tunis, Khartoum, the environment in northern Africa was getting increasingly nonpermissive.

Q Talk to me about the significance of a carrier and/or MEU and how, had they been present, you might have utilized them?

A I would have loved to have had a MEU.

Q Because?

A Pointing those aircraft can't do much for you if you don't have solid intelligence, but a MEU practices NEOs. They practice point security, perimeter -- if you've got a perimeter that needs to be secured. It would've been a scenario where I just would have loved having a MEU, an embarked MEU.

Q So what assets -- obviously, it sounds like the CIF and (REDACTED) were launched without consulting AFRICOM, per se. I mean, that was done above your pay grade.

A Uh-huh. We were informed, and we were certainly happy that it was done.

Q Yes, sir. Was the FAST Team the same?

A The FAST Team was -- we knew it was out there. We didn't know where to send it yet.

Q Who directed? Did AFRICOM say, Hey, we need a FAST? Who finally made that call?

A That was probably Admiral Leidig, but it made perfect sense. We knew we had two of them inside of EUCOM. There was discussion on who's got OPCON, TACON. But that's details, you know. In crises, people get along and they know that's -- you need to know where to send it and when and where, and we had those discussions with EUCOM and that was not an obstruction.

Q What I want to do now, sir, if you don't mind, is just have you walk me through some of the assets that were in the AFRICOM and/or

EUCOM AOR that perhaps you all discussed but said, too hard, too far, too whatever.

A Right.

Q Start with the F-16s in Aviano, please.

A Those are the aircraft that were at (REDACTED) which means, N means now, so to speak, and then -- so now say now, (REDACTED) later they're off the deck. You still have 3 to 4 hours of the flight time to get to, say, Benghazi. And then you need to spin up tanker aircraft because it can't do a round trip without them. And Admiral Leidig talked to General Franklin on that, so there was nothing on strip alert there in Aviano.

And tankers, I believe, were up in England, Mildenhall, I believe. At some point, we started to know that we would need a medical bird, a C-17 equipped for a medical transport, so we found that very quickly, as I recall. And then there was really nothing else out there that could make an impact. And remember, we weren't anticipating a second attack.

Q Were the F-16s -- perhaps "dismissed" isn't the right word, but -- pick a better word if you have one -- but were they dismissed because of (REDACTED) issue, or were they dismissed because there wasn't a viable mission for you to employ them?

A I would almost say both reasons, because -- yeah. So we spin it up, what are we going to do with it? I mean, you've got to put ordinance on it, you've got to refuel it, you've got to brief a mission. We don't know what the mission is. You know, this is an urban

environment so -- and we don't have people on the ground that can direct targeting. There were no tactical action controllers in Benghazi, as far as I know.

Q Talk more about exactly what's required on the ground in order to execute a mission in an urban environment.

A For close-air support, that needs to be as surgical as you need to be in an urban environment. You need somebody with that laser pointer pointing it at the exact target you want that bomb to hit. And we had none of those in Benghazi.

Q Through the course of the investigation, we've learned that apparently there were some various, or three different scenarios that were considered for F-16s, one being a high-speed pass at 8,000 to 10,000 feet, two being drop flares over the TMF, and three being shoot rounds into that adjacent field next to the Annex. Were you privy to those discussions? Who came up with those courses of action?

A I was not privy to those discussions, no.

Q So that was not an AFRICOM J3 discussion?

A Not that I recall, no. It might have been with Admiral Leidig and Franklin, or that might have been Franklin's staff brainstorming up there, but I was not privy to those.

Q Subsequently, did you learn of those courses of action that were being considered?

A I don't recall.

Q Okay. What is an AC-130 gunship?

A AC-130 gunship, I think I've referred to it as a weapon of

mass destruction, and it is. That is not a surgical instrument. You go in there to take out big fields of men and warfighters.

Q Some have said that perhaps there was an -- or excuse me. There has been indications that some folks on the ground had requested an AC-130 gunship to support them during the attacks.

A Right.

Q Were you aware of that request?

A I was not.

Q Did it ever come up through the J3 food chain?

A It might have, but it's not ringing a bell.

Q Was there an AC-130 gunship available that evening?

A I don't believe there was, and I --

Q Why do you say that?

A Because I think going back, somebody looked at that and there wasn't. So I just don't recall.

Q As the J3, if you had ready access to an AC-130 gunship that night, how would you have employed it or would you have done it at all?

A I might have employed it, but that would have been a four-star decision because we were concerned about the MANPADS, that they might have been out there. And those -- they would have been, I believe, within MANPADS range. So I don't know if -- again, we didn't know what kind of mission we were looking at.

Q In your previous testimony, you talked about, it made no sense to you.

A Right.

Q Do you want to flesh that out anymore for me?

A Well, I just think, again, we thought that the event, after the first attack wound down, so, okay, it's nice to know we might have that tool in a toolbox. I don't know if we need to deploy that.

Q Does the AC-130 gunship require a JFAC or somebody on the ground?

A I believe it does. I'm not sure.

Q Sir, do you know what a U-28 airplane is?

A I do.

Q Were you aware as to whether or not there was a U-28 in Souda Bay the night of the attack?

A There might have been, but I don't know what I would use it for. It's an ISR asset. It carries no weapons. It's like a four-seat plane, or probably a two seat if it's an ISR because he's got so much gear in the back.

Q (REDACTED)

A (REDACTED)

Q Okay. But, again, you were aware --

A But getting back to the MANPADS threat, it's not something that I would have wanted to put in harm's way that night. We had the pred feeds. I don't know what else I'd need. But if you're looking at that as a weapon, I wouldn't have put it in.

Q (REDACTED)

A I doubt it.

Q Okay. And again, other than the sub, were there any naval

assets assigned to AFRICOM at the time of the attack?

A I'd have to go back and check, but I don't believe there were.

Q Did you all ever discuss -- at the J3, did you all ever discuss employing the SST or through their own initiative once they started that, it was already rolling?

A The SST was now down to five people in Tripoli. That's not enough to do anything. I don't recall discussing it, but I knew that in early August, we went from 16 down to five, and they remained in Tripoli to just guard COM gear and weapons.

Q What role did AFRICOM play in the Team Tripoli Response? Are you familiar with the Team Tripoli Response, the guys that left Tripoli and went to Benghazi?

A Right. I think it was a monitor role, just we're listening to what they're seeing.

Q Did you do anything associated with that movement?

A No. Like I said, it was just a monitor, gain situational awareness from what they saw, and standby for -- if they had any request for assistance, we would stand by and try to help them.

Q And did you have any live firsthand feed information from team Tripoli, or were you relying on the DAT to provide you updates?

A There was the DAT. It was the DAT.

Q Did you have live feeds to anybody on the ground at any point that evening?

A On the ground in Benghazi? No.

Q Yes, sir.

A No.

Q Does the Navy have any kind of assets similar to a FAST Team outside of -- well --

A I always considered a FAST Team a Navy asset, you know.

Q That's what a Navy man would say.

A Right.

Q Other than the FAST platoon, is there a similar-type element that wears a Navy uniform?

A No. I think it would be a SEAL response, maybe a SEAL DAT, but I didn't have any of those.

Q During that evening, did you reach out to your counterpart at CENTCOM, I believe that was General Fowler?

A Craig Fowler, Rear Admiral.

Q I'm sorry, Admiral Fowler. Did you reach out to him to see what assets he might have available in CENTCOM that you could take advantage of?

A I don't recall talking to Craig Fowler that evening, no.

Q Any reason why you did not?

A Because it was too far away. He would have had nothing that I could have used. I mean, an aircraft carrier battle groups, you know, beyond the Red Sea, there was nothing over there I could have used. And that would have gone to, I'm sure, a SECDEF-level decision.

Q What were your discussions or did you discuss with Admiral Losey that night or anyone at AFSOC about assets they might have in

the AOR that potentially could be used in a response?

Well, let me back up. Before you get to that. Was Admiral Losey there that night?

A I don't recall Brian being there that night, no.

Q Does AFSOC have its own JOC or do they operate out of your FPOC or the AFRICOM JOC?

A Okay. To correct you, it's SOCAF, not AFSOC.

Q Excuse me.

A And SOCAF does have their own JOC. I recall talking to them. I don't recall Brian -- I don't know where Brian was, but he was frequently downrange anyway.

Q All right. And so did you talk to Admiral Losey or his staff about what assets they might have available that night that you could potentially use in addition to those already identified?

A I'm sure that question was asked. I don't recall that conversation, but we'd have gone out to all of our components to take inventory.

Q Say that again, please.

A We'd have gone out to all our components to take inventory and to say what's available.

Q Do you have an appreciation for what type of SOC assets were in the AOR, whether or not they were available to respond, but were they physically present?

A Well, on the continent, there were SOC assets all over the place, but small teams would not have been able to respond in any timely

manner.

Q When you say small teams, you're talking about individuals?

A Some of them were that small. You know, when you've got a couple of folks working with Uganda to try to get Joseph Kony, you know, you've got those kind of team elements throughout the continent.

Q So really, that night, other than the SST, AFRICOM didn't really have any assets available to respond. Is that accurate?

A That's accurate.

Q Could AFRICOM direct the FAST platoon to do anything, anything, prior to arrival in the AFRICOM AOR and being chopped to AFRICOM?

A I don't think so.

Q My point is, did you have any control over the FAST Team until they were chopped to you?

A The answer is no, but we can still do our own internal planning, and again, we didn't know what the mission was.

Q But my point is, is you couldn't tell the -- could you tell the FAST platoon stand up, standby, get ready to deploy or anything like that?

A No.

Q Could you tell them move here or move there?

A No. We might have wanted to request that of EUCOM and could have gone, but, again, I think they were doing that on their own anyway.

Q But the point was, you did not have to authority to do that, did you?

A I did not.

Q Thank you. Nor did General Ham?

A He did not.

Q Same thing goes for the CIF. Could you direct the CIF to do anything prior to the CIF being chopped to you?

A No.

Q Could AFRICOM direct (REDACTED) to do anything prior to them being chopped to you?

A No.

Q Do you recall (REDACTED), even in the day subsequent to the attacks, if they ever entered the AFRICOM AOR?

A I think -- I may have this wrong, (REDACTED)

Q Prior to the attack?

A That would have been April.

Q Were you aware -- I guess, that evening, at what point did you become aware that there was a C-17 on alert bravo status at Ramstein?

A I think that was around midnight, we heard about that. But then, what does it do for you? You know, it's a cargo plane. We knew we needed a medical transport plane, but, you know, C-17s, like I said, a big cargo plane.

Q Could you direct that C-17 to do anything --

A No.

Q -- the C-17 that was owned by TRANSCOM?

A No.

Q Talk to me a little bit about how you stayed abreast of

developments throughout the evening, where were you getting your information from, et cetera?

A The J2 and his sources, and through the DAT or whoever was -- I'm sure it wasn't Lieutenant Colonel (REDACTED) the entire time, but it was through the connection at Tripoli.

Mr. Tolar. Let's go off the record for a minute, please.

[Discussion off the record.]

[11:13 a.m.]

BY MR. TOLAR:

Q Let's go back on the record, please.

Sir, I apologize. When we broke, I was asking you about staying abreast of developments. Can you kind of retrace the thoughts you shared with us and let's go from there?

A Okay. I think we're about past midnight now. Yes. The first firefight's over, we're monitoring through the DAT in the embassy, the embassy team is flying over. We're really waiting for that team to hit the ground to give us a better SA on what might be developing on --

Q What's SA?

A Situational awareness. So that's how I remember midnight until about 4:00 in the morning.

Q Other than the DAT, how were you receiving information about what was going on?

A I don't know if there was any other source of information other than CNN, or open source.

Q How often did you communicate with General Ham?

A Probably every 60 to 90 minutes.

Q Were you typically pushing information up to him or were you receiving it from him? What was --

A It was both directions.

Q Okay.

A You know, we would tell him that the team was flying over

there comprised of this. I remember him going back somewhere, I want to say, 2:00 to 3:00 in the morning and him saying, look up some YouTube video. That was the first I ever heard of that video was him coming back, saying, you know, there's some video out there that we should look into.

Q What was the video?

A It was that Innocence of Muslims --

Q Okay.

A The one that they talked about in a few kind of Sunday morning shows.

Q What was the significance of that video and why did he raise it?

A He seemed to infer that it might have inflamed protests in Cairo.

Q Okay. And obviously Admiral Leidig was with you the entire evening?

A Yes.

Q Did you ever communicate with Admiral Tidd?

A I remember Leidig -- I sat next to Leidig the whole evening, and he was doing it on the red phone.

Q He was talking to Tidd?

A Yes.

Q Okay.

A I might have talked to him once or twice. I've known Kurt a long time, and so -- but it was mostly Leidig to Tidd.

Q What kind of guidance, if any, did AFRICOM receive from Admiral Tidd?

A I don't recall any other than to confirm that this is -- these are the forces that are moving.

Q So General Hooper was your J5?

A Correct.

Q And, briefly, what does the J5 do?

A They are long-range strategy and plans.

Q What was his role that night in the FPOC?

A He was talking directly to Lieutenant Colonel (REDACTED), I believe.

Q And Lieutenant Colonel (REDACTED) is the --

A Defense attache in Tripoli.

Q And, again, you mentioned that AFRICOM owned the Predators that night. Is that correct?

A We did.

Q So both the Predators?

A Correct.

Q That were operating (REDACTED)?

A That is what I recall.

Q And as such, did the J3 control their movements?

A He did. It was one of my staffers who directed -- redirected it to Benghazi.

Q Who does your staffer recall to move that Predator? How does that work?

A I'd be guessing, but --

Q Okay.

A -- I think it was probably through Air Force Africa, Air -- you know, the controllers work -- our Air Force controllers, and so it was probably through General Franklin's folks.

Q So would you have had an Air Force liaison in your FPOC or in your JOC that --

A No. It would have been our JOC to whoever the JOC owns the controllers.

Q Okay.

A But it happened like that.

Q Sure.

A I mean, there was no delay.

Q Was it armed?

A No.

Q Why not?

A (REDACTED)

Q What does that mean?

A You have to have country permission to arm your Predators, (REDACTED)

Q In your tenure as the J3, had you ever had permission (REDACTED) to arm the Predators that AFRICOM owned (REDACTED).

A I don't know if we'd ever even approached them or the answer was no.

Q Did the Predators that you owned (REDACTED) did you have

any kind of arms for those assets (REDACTED) -- my point is (REDACTED), sure you can arm them, did you even have anything that you could arm them with?

A I believe the answer is no, because the Italians would have asked that -- I think the question you want to ask, was anything pre-staged, and I'm almost positive that the answer is no.

Q All right. So I'm kind of lost here on the timeline, but basically we're after midnight, there's kind of a lull. Kind of what's going on during that lull? Where's your head? What are you thinking? What are you discussing?

A We're continuing to monitor. We still have a sense of urgency, but we're also waiting for the team to fly over there. That's a 2-hour flight, as I recall. So we're waiting for them to get on the ground to gain better SA, and, again, we know we've got a missing Ambassador, so we're continuing to brainstorm. What are our options here and what are our possible missions. So that was a lot of back and forth between General Ham, Leidig, myself, and the other flag and staff officers in the room.

Q What were some of the possible missions contemplated?

A Hostage rescue, exfiltration, and just -- exfiltration is -- in a broad sense. You know, we've got people in Benghazi we need to get out of there, we've got people in Tripoli we need to think about as well, is this -- we've had a protest in Cairo, now in Benghazi, is this going to continue to escalate, and also what are the possible uses of the FAST team.

Q What do you mean by "escalate," in Libya or broader?

A Broader, broader, as they did the following Friday.

Q When you talk about a hostage rescue mission, what was the nature of your discussions about how you might execute that?

A I think that was await (REDACTED) to arrive and start gathering intelligence on Benghazi and possible locations of the Ambassador.

Q Talk to me about where your head was and what the thinking was once you learned of the mortar attacks on the Annex?

A I remember thinking, holy shit, another attack, but it wasn't like we could see it on the Pred feed, though. You're looking through an infrared filter, and it's not very granular. I have since seen the feed twice and had to be walked through it by the, I think the CIA video analysts and him pointing out, there's an RPG, and you see the militia take off. I don't recall the -- I don't think they have all of the mortar rounds, either, because at one point in the feed you see the top of the facility and then it goes away, checks outside over here, comes back and you see two dead bodies on the top. So I don't think they caught that. So, again, it was all coming through Tripoli.

Q And at all during the evening, did AFRICOM ever direct -- other than directing the initial Predator from Derna to Benghazi, did you all give any other guidance or direction to the UAVs or who was controlling them and where they moved?

A No, because we didn't know -- we didn't have a good enough

situational awareness to really tell them to go point A or point B. As granular as we got with them was, you're not flying -- was early in the evening, and we said, you're not going to Tripoli, you're going to Benghazi now and loiter.

Q So when you saw the mortar attack happen, again, what guidance did you receive from General Ham or General Leidig? What was being discussed?

A You know, it was so time late, it wasn't like we -- hey, there's mortars going on right now, you know. I just don't recall how we heard about that attack other than they are under siege, and this is what we heard from the DAT again.

Q So, again, you weren't receiving anything in realtime?

A No.

Q Do you recall what kind of delay there was between the attack and when you learned of it?

A Maybe -- I'm guessing here, 15 minutes, and it was vague as to what kind of attack it was. You know, I -- I'm going foggy on you again here, and that's the way it was.

Q Did you ever receive any request from the State Department for AFRICOM support for anything?

A No.

Q The FAST team talked about they got mobilized, they got their platoon together, and they were ready to go prior to their (REDACTED) requirements. And the FAST platoon commander, who was -- who's spoken with us indicated they sat around for about 6 hours

waiting on a ride.

Were you aware that the FAST team was ready to go in Rota, but did not have lift?

A I probably was. I don't recall that now, but we probably were, and we were probably working on getting them a ride.

Q Do you know what the holdup -- do you recall what the holdup was at the time?

A It was probably that nobody was on alert.

Q The FAST platoon commander shared with us that once the aircraft arrived, they were on the plane for about 3 hours waiting to take off, and the reason they didn't take off is because they had been -- kept receiving changing guidance as to whether or not they should be in uniforms or civies.

Do you recall that issue? Were you aware of that issue?

A I was aware of that issue. We were --

Ms. Green. Mac, that's not the only reason that the FAST commander said he was delayed.

Mr. Tolar. You can address that in your time, please.

Admiral Landolt. I recall there was a lot of discussion about whether they should go in in civilian attire or their uniforms.

BY MR. TOLAR:

Q Were you involved in those discussions?

A I was.

Q How were you involved?

A I -- I was -- my recommendation was that they go in uniform,

and --

Q Who did you make the recommendation to?

A Admiral Leidig.

Q Okay.

A If he asked my opinion, to me, there's nothing more fearsome than a U.S. marine coming ashore, and that was my opinion and that was my recommendation.

Q Why were the Marines receiving mixed messages?

A Because the State Department, and I don't know if this was on the ground in Tripoli, or from State itself, that were recommending that they go in civilian attire so that they don't inflame the locals, that this is -- again, give the perception that this was an invasion of some sort.

Q Do you know who made the final decision?

A It was probably made by SecDef, but I don't recall directly.

Q Do you recall if Ambassador Holmes or his staff weighed in at all with you or --

A I don't recall them weighing in, no.

Q And, again, were they involved in anything that evening in terms of the operation and what you all were doing in any discussions, Ambassador Holmes and/or his staff?

A Not that I recall.

Q Okay. At any point did you all ever seek any kind of information or guidance from Ambassador Holmes and/or his staff?

A No.

Q Talk to me about who typically facilitates country clearance coordination for AFRICOM --

A Right.

Q -- and your assets?

A That was usually J5, but that -- and they would go through the embassy themselves. The embassies would facilitate country clearances.

Q Given the fact that AFRICOM didn't own any assets per se that night, and all the assets utilized came from other combatant commanders, did you all engage in the country clearance process at all, to the best of your knowledge?

A We had discussions with the DAT, but I recall that there was no -- the country was ungoverned, effectively ungoverned, so there was nobody we could reach out to to gain permissions.

Q Was permissions ever an issue that night, to the best of your knowledge?

A I think it was something to be discussed and thought through, but the fact that we didn't have any assets, leads you to the fact that you have no assets, you know, so -- you know, and let me circle back a little bit, but you remember that the SST was skinned down to five people because the Ambassador couldn't get permissions for those people, and I think it's because he -- there was not a government in place that understood the idea of permissions, you know, SOFA agreements. And so here in the middle of the night, you're not going to get permission.

Q In terms of assets, specifically airlift assets, does the AFRICOM J3 have the authority to waive crew rest or crew day for any assets that are CHOP'd to AFRICOM?

A No. I do not.

Q Does the COCOM commander, once those assets are CHOP'd to AFRICOM? Do you know?

A I don't know. I think that would -- that is left in the component commander's hands.

Q You earlier talked about the tankers at Mildenhall. Did you ever reach out to see what their status was or anything?

A Admiral Leidig did.

Q Okay. Do you recall what the response was?

A That they were -- it was probably another (REDACTED) or something similar.

Q I want to talk a little bit about the Commanders in Extremis Force.

A Okay.

Q I guess currently it's known as the Commanders Response Force?

A All right.

Q So we went from the CIF to the CRF.

A Okay.

Q At the time of the attacks, were you aware that the CIF was participating in exercise Jackal Stone in Croatia, or just prior to the attacks?

A I learned of it that evening.

Q Okay. What is your understanding of the CIF in terms of their requirements, when op plan 0300 is implemented, and was this your understanding at the time?

A I'm sorry. Say that again.

Q Okay. The CIF has a role when op plan 0300 is initiated. At the time, what was your understanding of the CIF's role with that regard?

A Again, we were the supportive commander that night, but we didn't own them, so their role would have probably been to stand by. And they would have had lift that evening, because that's how they got from Croatia to Sigonella.

Q So at the time, were you aware that the CIF had (REDACTED) wheels-up requirement in conjunction with the 0300 mission?

A I believe I knew that. I don't recall now, but that makes sense. I mean, they were in an exercise. They got to Sigonella pretty darn fast.

Q At the time, were you aware that the CIF was ready to move, yet sat on a tarmac for almost 9 hours waiting on lift?

A I don't recall that. In Croatia or in Sigonella?

Q In Croatia.

A Okay. I did not know that.

Q You did not know that?

A No. I thought that they were in Sigonella sooner than that. So I thought that they were -- my recollection is that they were in

Sigonella that evening, some time that evening. I may have it wrong, I don't know what I said last testimony, but they were -- we're at 4 years now.

Q Yes, sir. But at the time when this was going down and as things continued to develop, and I know we'll talk about the fact that you got -- Admiral Leidig sent you home to take a break, but --

A Right.

Q -- at the time, you were not aware -- it's your understanding -- or you were not aware that the CIF sat on the tarmac for 9 hours waiting on a ride?

A I don't recall that.

Q Okay.

A Because if I'd have known that, I would have recommended they move now to Sigonella.

Q Did you all contemplate how to employ the CIF? Knowing that it had been activating, was directed to the ISF, did you contemplate how you might employ the CIF?

A I would say we were contemplating what is the mission. We knew we had the tool in the toolbox; we didn't contemplate how we would use that specific tool. We were still focused on what's developing here, what will be our mission?

Q Do you recall when you first learned that the Ambassador had in fact died?

A I do recall that. And I said in my last testimony that I got a hint of it early on when the J2 found, like, an Instagram or a

Twitter feed, with a picture of, somebody that looked like he had his hair, but we couldn't see his face, but it was around 4:00 in the morning when we received confirmation that he had died, again, through Tripoli.

Q And so obviously that would have been prior to the mortar attacks?

A I recall that that's a true statement.

Q Once you learned that the Ambassador had in fact died, what were the nature of the discussions about the forthcoming mission or what the mission would be?

A We focused on the medical transport. We needed to get that there the soonest.

Q Did AFRICOM ever make a direct request for a Medevac plane, or was --

A I'm pretty sure we did, because -- and that was something that Admiral Leidig followed through on after I left.

Q And do you recall what time you left?

A Right around 10 o'clock.

Q DOD published an unclassified timeline of events. Are you familiar with that document?

A I am.

Q That document says that on Wednesday, September 12, at 6:05 a.m., AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Libyans.

A Okay.

Q Or evacuate Americans.

Does AFRICOM have the authority to direct that TRANSCOM aircraft to do that?

A No, but -- well, again, we were the supported commander, so your previous questions, I was -- you said CHOP, so that means something to me definitionally, but --

Q And what does it mean?

A It means change of operational plans -- or programs. So that I -- when something chops to me, it means I own it, but when I'm the supported commander, that directs all the other support team commanders to support me. And so I suspect this was -- I want to say this is the medical bird, though, this one at 6:05.

Q Yes, sir.

A And I don't know what the N+ was, but regardless, we knew we needed it. And so this would have been after the second attack, but also after we knew the Ambassador died, so that's about the right timeframe when we would have requested a medical bird.

Q Do you recall if you all did do that?

A We did.

Q How would that have been communicated?

A I think that would have been Leidig to Franklin.

Q General Repass, the SOCEUR commander, was with us a couple weeks ago, and he made the comment that once 0300 was invoked, for all intents and purposes the CIF becomes nothing more than an enabler for (REDACTED).

At the time, was that your understanding of the CIF?

A No. I understood it to be a force in support of us, but then so was (REDACTED).

Q His comment was that basically the CIF's mission at that point was to simply get to the ISB prior to (REDACTED) and help facilitate their arrival and onward movement per se.

A Okay.

Q Does that make sense?

A That makes sense, sure.

Q But was that your understanding of the CIF and their role and responsibilities at that time?

A I would say that what you said makes sense. I would have not pushed back on that in any way if somebody would have explained it to me that way. So it wasn't my understanding at the time, but then, again, when you pursue detailed mission planning, we'd have probably brought it together like that, but we were not at that phase.

Q So if in fact that was their role, that didn't impact your planning in any way, did it?

A No.

Q Thank you. Anything else about the CIF that you think is important or you'd like to share with us?

A I don't think so. I was just glad that we had something there.

Q And obviously subsequent to the attacks in the following days, two different DATs from the CIF were deployed to Djibouti and Tunis. How involved were you all in those operations?

A Not Djibouti.

Q I'm sorry.

A I don't think Djibouti.

Q Okay. Excuse me.

A Tunis, yes. You know, I'm rusty on details here. A FAST team was sent to Tunis, and I guess the second one was sent to Tripoli. We tried to get a third one into Khartoum. Now we're talking Friday, though.

Q Are you saying FAST or CIF?

A There was probably the CIF that went to -- elements of the CIF that went to Khartoum, but I'm not sure.

Q Don't worry about it. That's okay.

A They were turned back.

Q Anything else about the CIF that you think is important for us to know or we should know that would be helpful?

A No, I think you have covered it.

Q Let's talk about SST for a few minutes, please.

A Okay.

Q You mentioned both today and in your previous interview your conversation with the Ambassador about the -- at Ambassador Stevens about the SST.

A Uh-huh.

Q Well, first of all, was Admiral Losey with you during those conversations?

A He was with me during the first one, the VTC, and on the

other end was Ambassador Stevens and Brad Hicks.

Q And who?

A Brad Hicks, his DCM.

Q Okay.

A I don't recall Brian saying much, though.

Q Were both those discussions focused on the SST? Was that the reason for the discussions?

A For the first one, yes. The second one, I met him in Stuttgart. He came up, and we gave him the round table AFRICOM command brief. And he was there more to meet one-on-one with General Ham. And I don't recall Brian being at the command brief.

Q And briefly talk about what the role of the SST was, based on your understanding, when the SST worked for the chief of mission?

A I think it was to help vet people and begin counterterrorism training operations for the Libyan military, prior to the Defense 1206 order being signed. So they were out and about in Tripoli, as I recall, vetting people --

Q And --

A -- and establishing those relations with the Libyan military.

Q And I think you touched on this in your prior interview, is it fair to say that AFRICOM was interested in keeping the SST in that role?

A It is.

Q And why was AFRICOM interested in that?

A Well, this was summer of 2012, it was the previous October when Qadhafi was killed. General Ham viewed Libya as this is a strategic opportunity, and so he wanted to establish strong ties with the military, and this was really our only vehicle to continue to do that, was that SST.

Q What does "strategic opportunity" mean?

A To help strengthen the institutions of -- and to help the Government of Libya get on its feet.

Q What is your understanding of why the Ambassador decided not to retain the SST under the chief of mission?

A He wanted to keep it under the chief of mission, but we -- but under DOD rules, he -- we could not have allowed that, because that was a SecDef signed order as of 3 August, so it couldn't be kept under him. Now, General Ham said he'd be happy to let him use it for any reason, but it had to be under General Ham's order.

Q I apologize, sir. I thought it was -- my impression was that the Ambassador no longer wanted the SST.

A And that was my impression too until we received a SOFA-like agreement with the Libyan Government, and so we -- that's why we skinnied back from 16 to 5. His reasoning was he'll bring back the 16 when we have agreements, protection agreements with the Libyan Government.

Q And so I apologize here. So it sounds like what you're saying is that although General Ham wanted the SST under Title 10 authority, but he was more than happy to allow those personnel to

support the Ambassador as he needed? Is that accurate?

A That is accurate.

Q Okay. However, the Ambassador felt like until we got some type of SOFA or MOU in place, it was not prudent to leave so many SST personnel in country, we'll skinny it down to five?

A True statement. I think that's a true statement.

Q Do you want to expand upon that in any way?

A No. I just think that he was reluctant to keep so many people there, I don't know why, but I don't think the -- I had not been down there, so I don't know if there was a space -- they were taking up too much space, but I kind of think that's not the case, but he always seemed reluctant to keep the entire team there unless it was under his control.

Q And, sir, I believe in your previous interview, you mentioned something about the Ambassador felt kind of strongly about keeping control over them per se?

A Correct.

Q Talk about that, please?

A I think he wanted complete operational control of a DOD asset. And as you just said, General Ham was required to maintain Title 10 control once that 1206 program went into effect.

Q In your previous testimony, and I think this is accurate, but I want you to kind of confirm it, please --

A Okay.

Q -- you talked about obviously at some point you all came

to an agreement that the SST would be reduced to five personnel --

A Right.

Q -- until the immunities and privileges could be established. And I think you said something to the effect that basically their mission at that point was to simply to maintain security over weapons and secure communications equipment that were there. Does that sound accurate?

A That does sound accurate.

Q And are you talking about weapons that security -- and comes in the embassy itself?

A Correct.

Q Is that what you mean?

A Right.

Q To me, that sounds like more of a mission for a Marine Security Guard organization. Is that fair?

A Sure. They can do that.

Q Was that ever discussed or considered?

A No. I think Brian wanted to keep an earlobe in there.

Q Okay. You say you think that. Did he express that specifically?

A I don't recall that, no, but it just made instinctively sense to me that he'd want to keep his own people in there that he could reach out and touch --

Q Sure.

A -- and maintain situational awareness.

Q Yes, sir. You also had mentioned previously that you had a little bit of frustration with the Ambassador, would give back security, especially highly trained operators like the SST.

A Right.

Q Please talk to me about that.

A Well, to me, I can't get into the Ambassador's head, but in that fragile environment, I don't know why he wouldn't want more security vice less.

Q Did he ever tell you why?

A No.

Q Previously you indicated you had an opinion as to why, but you didn't share it. Would you share it with me now?

A I think he was under pressure from State Department to not increase his security footprint, but I'm just guessing.

Q What kind of security footprint?

A Of having a SEAL team there --

Q Okay.

A -- unless it was under his control, but to me, it was probably a compromise between him and General Ham to skinny down to five.

Q Is there any reason why he couldn't increase his own State Department security personnel?

A None that I see. He'd have to request that. That's State Department side of the house.

Q Once the State Department chose not to extend -- or request

an extension for the SST, do you know if the embassy ever did that, increase their own security?

A They did not. As far as I know, they did not.

Q Okay.

A Because later on when the new normal came out, the Marines had to train more teams to be security guards for embassies.

Q When you say "teams," you mean Marine MSG teams?

A Correct.

Q Check. Okay. Also in your previous interview, you talked about Tripoli, and you kind of said the same thing today. Tripoli was basically ungoverned, and remained so at the time of your interview last time?

A Right.

Q You also noted that the U.S. could not rely on the Libyan Government. Given that, were you surprised that the U.S. maintained a presence in Tripoli following the Benghazi incident?

A I wasn't surprised, no, because I think that's our MO. You want to try to be in country if you can be.

Q Once the incident had passed, were you involved in any contingency planning for exfiltration of the embassy in the future, like what -- were there changes made in terms of how we're going to get everybody out of Tripoli if that happens, et cetera? Were you involved in any kind of planning associated with that?

A Well, that would have been the new normal op ord that came out, and then we started doing detailed planning for those (REDACTED)

embassies that were identified, and Tripoli was one of them. So is your question of the short-term or long-term?

Q Well, it was both.

A Yeah. And I would say we were focusing on Tripoli immediately, but we also had to look at the other embassies. We probably used Tripoli as our lessons learned and best practices for the future for the other (REDACTED).

Q I know this was subsequent to your retirement, but in the summer of 2014, the Tripoli Embassy was evacuated again.

A Right.

Q Did you happen to be tracking that as a civilian?

A I was, open source, newspaper. And I remember -- I recall their being trucked over to Tunis.

Q Did you have an appreciation of what all was involved in trucking them to Tunis?

A Well, I have an appreciation for what my staff did while I was still the J3, because we had the special MAGTF in Moron, we had the East African Response Force. And I was really proud of my staff and the Marine Corps and the Army for coming up with those. Hats off to General Fox, whose idea that was. V-22s were used, I think, to get assets in there. Great use of a V-22. So, I mean, it was a well planned, well executed operation is what I saw.

Q Do you recall the name of that operation?

A No, I don't.

Q Something Jukebox or --

A Well, you're talking about Jukebox Lotus?

Q Not -- no, sir, but --

A Okay.

Q Don't worry about it.

My point is, though, that -- the evacuation of the embassy that summer, your staff had planned that prior to your departure? You didn't know they were going to evacuate, obviously, but --

A Right. I think that was part of the new normal op ord that was signed to get those assets like the special MAGTF in place. It was in place before I left.

Q Check.

A So those assets were used after I left.

Q So let's do this: Let's talk about the new normal in a little more detail. Talk that me about the impact of the new normal, and AFRICOM's ability to respond as a result of it, and how AFRICOM was impacted, et cetera.

A Well, we knew it was coming. And my staff and their counterparts on the Joint Staff and EUCOM, maybe CENTCOM, came up with courses of actions and requests for forces. I remember General Hondo Fox coming to me and saying, we would like to put a special MAGTF in Moron or Sigonella. I think he -- Moron became easier to do. The Spanish were amenable to it.

Q Who's General Fox, please?

A He was in charge of the east coast Marines, I believe. He's a two-star. I forgot exactly what his title was.

Q Sure.

A And we had to work through EUCOM because we knew they'd be on EUCOM soil. So that was a 3- or 4-month process, just the give and take between COCOMs and the Joint Staff on writing this op order, while parallel, we were developing our own plans for when it was signed, what would be our part in executing it.

So hard work, detailed work by my staff to get to that being signed. And then the rest of the year, we were executing and getting those forces in place. That was -- 2013 was a busy year for -- gosh, in January, we had support to the French in Mali on the heels of some operations in Somalia. There was the Algerian terrorist gas attack there. And we continued to help the French through 2013 up until I left, I recall.

Q In addition to the expansion of the MSGs, special purpose MAGTF crisis response, what other elements of the new normal were implemented in Africa or in the AFRICOM AOR in terms of personnel and/or assets?

A I'll get back to the Army's East African Response Force to take care of those (REDACTED) embassies, (REDACTED) embassies within the vicinity of the JTF-HOA that was the crux of it.

Q For all intents and purposes, when were the elements of the new normal implemented, up and running, so to speak?

A By the time I left, so probably late summer, fall of 2013.

Q Okay.

A Because I remember 9/11 of 2013 now, a year later, we moved

that MAGTF down to Sigonella from Moron.

Q But that was just an element?

A Right.

Q Right?

A Uh-huh.

Q Yes, sir. And then you also -- you talked about this in your testimony last time, you mentioned that kind of the focus was of the new normal was the focus was on (REDACTED) high threat embassies?

A Correct.

Q Is that accurate? Was that direction that was given to you all in terms of what to do?

A The ex ord said you have to develop what are called Level 1 CONOPS for high level -- for those high threat level embassies, and there were, like, (REDACTED) around the world, and we had (REDACTED) of them.

Q What are Level 1 CONOPS?

A Detailed CONOPS, what forces you think you would need and how soon, and where they would be.

Q And who decided what were the high risk embassies?

A Joint Staff.

Q Were there places outside of those (REDACTED) high risk embassies in the AFRICOM AOR that AFRICOM or the J3 felt were important and also needed attention?

A I think we were in general, in agreement that the (REDACTED) -- I mean, that was certainly enough to be doing planning

on.

Q I just didn't know if there was --

A So --

Q I'm sorry.

A But I think it was probably a risk decision as well.

Q Sure.

A And I told you earlier we took risk in the southern half of the African continent.

Q Given your experience, if we had an incident in Liberia today, how much different would our response be in terms of DOD?

Mr. Kenny. You said Liberia. You mean Libya?

Admiral Landolt. So today?

BY MR. TOLAR:

Q Liberia or Gabon. Pick -- somewhere down on the -- basically the southeast --

A I couldn't tell you today, because I've been retired for 2 years.

Q Yes, sir. But, I mean, are we that much better off with the new normal given the tyranny of distance? Can we really get there in a timely fashion? And could we get there any sooner per se than we could --

A I'd say yes, but it would -- you know, in the Gulf of Guinea, again, Liberia, it might be, if you have some lucky commanders as well, say, we've got Africa Partnership Station, we've got an LPD down there, that would be helpful. If it's not down there, it wouldn't be helpful.

Q So where are the forces going to come from to respond to Liberia?

A Well, I think we still have the MAGTF over there. I don't think we've taken the MAGTF out of Moron, have we?

Q No, sir. So I guess my point is the special purpose MAGTF crisis response --

A Right.

Q -- is in Moron? They've got a DET in Sigonella.

A Okay.

Q Right?

A Right.

Q You've got some folks in Djibouti. All those places are a long way away --

A Right.

Q -- from Liberia. Is that fair?

A That -- that's fair.

Q And so I guess my question is, if something bad happened in the middle of the night in Liberia, can we get there any quicker than we could have gotten to Benghazi per se?

A I'd have to see the snapshot of where our forces are today. So I'd be speculating.

Q I understand. But in terms of the pre-position forces that you're aware of in Djibouti and whatnot.

A Right.

Q I'm not assuming there's a ship off the coast or anything

like that.

A Okay.

Q Is it really any different?

A It's better than it was pre-9/11.

Q Okay. Let's go off the record, please.

[Recess.]

EXAMINATION

BY MS. GREEN:

Q Admiral Landolt, we're going to go through a number of topics, and my colleague and I will ask you some questions, and I don't think we'll take more than an hour, but, again, we do appreciate you coming back in to testify to Congress again about the Benghazi attacks.

I'm going to start off by talking about the ARB, which my colleagues discussed with you at the beginning of the day.

A Right.

Q Did you know that General Ham was interviewed by the ARB?

A I did not.

Q You mentioned that AFRICOM received many RFIs from the ARB. Is that correct?

A From a lot of sources, including the ARB.

Q And I think you even mentioned that you had a central point of contact because of the number of RFIs that were coming in. Is that right?

A Our chief of staff, General Mannon.

Q Did anyone ever suggest that you not respond to an RFI?

A Never.

Q If General Ham was unable to answer a question to the ARB, could he have suggested someone else coming and being interviewed?

A I'm sure he could have. I don't know.

Q Did you happen to have a chance to read the report of the Accountability Review Board?

A I don't think I have ever read it, no. I've probably read an executive summary.

Q Did you agree with the executive summary? Anything you didn't agree with?

A I remember it being a lot of recommendations for how to improve security at embassies.

Q And, sir, was it your sense that the staff and folks within AFRICOM were diligently responding to the RFIs?

A It was, because I recall General Ham saying that we're not going to do an after action report here, we're going to let the ARB be our AAR.

BY MR. KENNY:

Q So just to connect that back to the question, when General Ham indicated that, was it your sense that he was communicating to the staff that they should be diligent, fulsome, complete in their responses to the RFIs?

A He was, and that was continually emphasized by our chief of staff, General Mannon as well. It was just that he didn't -- what he wanted to prevent was all the stray voltage coming in from various

sources, so he tasked the chief of staff with being the single point of entry and exit for all RFIs. So all RFIs would go to the chief of staff, and he would task them out to us as required and we'd get them back to him, and he would be the single point of contact for dealing with ARB RFIs.

Q And are you aware of any directive or order that was issued to your staff or staff at AFRICOM not to provide information in response to those requests for information?

A No, I'm not aware of any.

BY MS. GREEN:

Q You mentioned your level of awareness of certain events in Libya prior to the attacks in September of 2012 --

A Right.

Q -- particularly that AFRICOM had helped evacuate the British Ambassador after --

A Correct.

Q -- some sort of attack. You also discussed an awareness you had of an incident at a roadblock with U.S. military personnel in early August 2012?

A In Tripoli, yes.

Q Your area of responsibility has, I think, 54 countries. Is that right?

A I believe that's correct.

Q Would it be fair to say that you weren't tracking Libya on a day-to-day basis, but these incidents, for example, are being briefed

to you when they happened?

A Right. We certainly don't track the location of ambassadors. And 54 countries, there's a lot of ambassadors.

Q Did any of these incidents cause you to be concerned about the U.S. presence in Libya?

A Yes. But General Ham was equally aware of these incidents and we continued our policy of trying to establish good relations and partnerships with the Libyan military, such as it was.

Q And did you make any recommendations to General Ham that U.S. personnel should depart Libya?

A I did not.

Q Secretary Panetta testified before this committee and told us that the President directed him to do everything he could to save American lives.

In your conversations with General Ham and others on the night of the attacks, was that your understanding as well?

A I think that that would be my understanding, sure.

Q Do you recall whether any limitations were placed on you, or AFRICOM, or the U.S. military, in responding to the attacks that night?

A We took inventory of all forces that were available and started brainstorming what the mission might be. So I didn't feel constrained in any way, but we knew that -- it became quickly aware to us that we didn't have many tools in the toolbox to use.

Q And you've also mentioned a number of times that you were

trying to determine the mission that night.

A Right.

Q And is it fairly common during a crisis situation that you're operating with incomplete information?

A It's very common.

Q You mentioned in the last hour, sir, that you were not involved in the initial decisions and discussions of deploying the CIF, the U.S.-based special forces --

A Right.

Q -- unit or the FAST, but you also commented that those were appropriate actions.

A Correct.

Q Is that right?

A Yes.

Q Do you recall how AFRICOM utilized those forces in the days after the attack?

A The only ones we used were the FAST teams. Or Mac might have told me there were detachments from the CIF that -- where we kind of had a modified FAST team, but we only had two FAST teams in theater, as I recall, one went to Tunis, the other went to Tripoli. We tried to get something into Khartoum, but we were turned back at the border.

Q You mentioned that AFRICOM did not receive requests for support from the State Department that night. Are you aware of State Department requests to the Joint Staff or to Secretary Panetta on that night?

A I'm not aware of any.

Q And forces were moved that night. It wouldn't have been necessary for, for example, the State Department to contact you to move forces to Tripoli or to Benghazi. Is that right? That's not a very well phrased question.

A Yeah. We wouldn't have -- if we would have thought that we had something in hand that might have been useful, I'm sure we would have shared that thought and intention with State Department.

Q You've explained some to us the difference between units being CHOP'd and being the supported command that evening. As the supported command, do you feel like you received all the forces that you asked for?

A Well, there's a difference between those that are on strip alert and those that you ask for. Again, it gets back to the mission, what's the mission. I was grateful that we had forces heading in the right direction, but they wouldn't be ready for another day or so. And, again, we knew we had a missing ambassador, and we didn't anticipate a second firefight.

Q My colleagues were questioning your authority to direct the FAST, the CIF --

A Right.

Q -- the U.S.-based force. Certainly you could have requested those forces if you wanted to, right?

A Sure.

Q And was it your sense that personnel across the Defense

Department, EUCOM, were doing everything they could to support you that night?

A It was.

BY MR. KENNY:

Q Sir, if we could return to just a moment ago, you were asked in the last round and clarified your response about whether you'd received any requests from the State Department on the night of the attacks for military support.

Just so that the record is clear and there's no misimpression, was AFRICOM on the night of the attacks sitting around and waiting for the State Department to make some sort of request?

A We were sitting around brainstorming what the mission might be. And I wasn't anticipating any requests, but if we had an idea of something we might have pursued, we'd have certainly reached out to the Joint Staff and the embassy.

Q But you were notified at some point in time, perhaps earlier in the evening, that forces were being mobilized --

A Right.

Q -- to respond on the night of the attacks. Is that correct?

A That's correct.

Q And if we understand the sequence of events correctly, it sounds like the Secretary of Defense, the chairman, the Joint Chiefs of Staff met with the President, the President provided direction to the Secretary, who then ordered these forces to be deployed --

A Okay.

Q -- and that that sequence happened fairly early in the evening.

A Right.

Q So what I'd just like to ask you, sir, is if that was indeed the case and these forces were mobilized and beginning to respond, would it be necessary for the State Department to then also request directly from AFRICOM for those assets to be deployed?

A No.

Q And I think you had also indicated that in developing a list, taking an inventory, I think was your expression, of available assets, that you quickly came to the conclusion that there wasn't much available on that night that could have affected a difference in Benghazi?

A Correct.

Q And had there been available assets, you would have put forward some sort of commander's estimate or recommendation either to the Joint Staff, perhaps in coordination with the State Department. Is that correct?

A Well, that's right. And you have to remember that there was also -- as we monitored, we had the embassy plane heading over there to give us better situational awareness on the ground. So, again, we didn't anticipate the second firefight, but we knew that we had an ambassador under duress who was missing and that we -- at some point we would have to do something.

Q And given your knowledge at that time that an ambassador

was potentially under duress, was it your sense that the forces that had been called upon to respond, that those were the appropriate forces for that particular mission set?

A Well, again, we didn't have a mission, so we needed more intelligence on the ground.

Q And I think you had explained what a mission would look like, I think you discussed the next ville and you discussed a hostage rescue.

A Right.

Q If there was a hostage rescue contemplated for the Ambassador, were the forces that moved that night, were those appropriate responses for that mission?

A I think (REDACTED) moving to Sigonella was the appropriate response, but then you're looking at another day before they're in place. So for that evening, we didn't know what we didn't know.

BY MS. GREEN:

Q You mentioned on the sort of run-up to the anniversary of 9/11 that you had drafted a note, sort of a generalized note that you offered to General Ham for dissemination --

A Right. Uh-huh.

Q -- and that he decided not to disseminate that night.

A Right.

Q Correct? Would that have been a note disseminated to forces within AFRICOM for sort of force protection of the base and whatnot?

A It was, as I recall, to be sent to all our component commands

for their general awareness and prudent consideration.

Q That would not have been something that would have been disseminated to embassies, for example?

A It would not. But it might have gone to the DATs. I mean, there was a collective for DATs to receive messages like that.

Q And you mentioned that General Ham at some point alerted you to this video that had caused protests and unrest in Cairo. Cairo is outside of your area of responsibility?

A Right.

Q Do you have an understanding of why General Ham may have alerted you to that unrest and what caused it?

A Because I think he thought there were -- there were some folks who thought that this was a cascading phenomenon with the protest activity. It started in Cairo, went to Benghazi, and somebody intimated that it might have been due to this video.

Q And I think you also mentioned a concern of further unrest on that Friday. What would have happened on that Friday?

A You mean the following Friday after 9/11?

Q Yes. 9/11 was on a Tuesday.

A Correct. And so --

Q There was concern that --

A So our J2 folks faced many of their indicators and warnings based on the Friday prayers and what the imams were saying in the mosques, and there was a lot of imams preaching to exercise violence upon Americans and embassies.

Q Do you recall what was motivating that anger?

A I don't.

Q My colleagues questioned you about an alleged delay caused by an issue with uniforms and the FAST platoon. Do you have any firsthand knowledge of this alleged delay on an aircraft in Rota?

A I don't recall if it was a mechanical problem or whether it was the uniform issues.

Q And the FAST was deploying to Tripoli. Is that right?

A That's what I recall, yes. And Tunis.

Mr. Kenny. Do you recall hearing that there was a mechanical issue.

Admiral Landolt. I don't.

BY MS. GREEN:

Q Do you recall hearing that there was a load issue?

A I don't remember.

Q And at the time, there was not a crisis situation going on in Tripoli at the U.S. Embassy, correct?

A There was not, no.

Q There was a fair amount of discussion about the SST in the last couple of hours.

A Uh-huh.

Q You had mentioned that it was your opinion that the Ambassador was under pressure from the State Department not to increase security. Do you have any firsthand knowledge of that?

A Did I say that today or was that in my last testimony?

Q That was today, sir.

A That was today? I recall it was the body language and the general tone that unless they were under his direct authority, he did not want the full team to remain. Chief of mission authority.

Q Were you involved in conversations with the State Department about Libyan security?

A I was involved with the Ambassador directly in July, but not in August.

Q And did the Ambassador tell you that the State Department --

A No, he didn't.

Q Are you aware of the communications that the Ambassador engaged in with the State Department?

A I'm not.

Q There was discussion also about the need for protections and immunities for U.S. forces in Libya once they reverted to Title 10 authority. Do you happen to know when the Libyan Government provided those immunities?

A As I recall, I don't think they ever did while I was there.

BY MR. KENNY:

Q So, sorry, sir. And you, in our notes, had indicated that you thought, I think you even indicated that it was speculation on your part, that the Ambassador was under pressure from State not to increase the security presence, and that was in reference to a question that our majority counterparts had asked.

A Okay.

Q And just so the record is clear, do you have firsthand knowledge of that?

A I don't.

Q So that was guesswork on your part. Is that fair?

A I think that's fair.

Q Okay.

BY MS. GREEN:

Q The Defense Department has been routinely criticized for allegedly failing to deploy assets on the night of the attacks. I think it's fair to say that the U.S. military did deploy assets that night. And aside from sort of the CIF and the special operations team from the U.S., you mentioned the Predator was redirected and you were able to see that feed that night. Is that correct?

A That's correct?

Q And that was, according to the DOD timeline, I think, within 17 minutes of the attacks starting that was redirected?

A Right.

Q Sir, there was also a team, a U.S. military-led team from Tripoli that deployed to Benghazi that night. Do you recall when you learned about that?

A As it was happening. I don't think it was a U.S. military-led team. I think it was an embassy-led team. There were military people among the team, though.

Q It was U.S. military and agency.

A Right.

Q In addition, a FAST platoon deployed to Tripoli that next day to secure the embassy, correct?

A Correct.

Q Secretary Panetta explained to this committee that originally a FAST was preparing to deploy to Benghazi as well as one preparing to deploy to Tripoli, but because of the speed with which U.S. personnel evacuated Benghazi, the FAST was remissioned to Tripoli.

Do you recall that development?

A Vaguely.

Q So setting aside the U.S. military assets that actually assisted on the ground in Libya, how would you characterize the U.S. military response in mobilizing the CIF and the Special Forces from the United States? Is that a light response? Is that a serious response?

A Oh, whenever you mobilize (REDACTED), that's a serious response, but it's still -- you're constrained by time. So it's a response, but it's not going to impact you in over the next hour. It's still a tyranny of distance issue.

Q And, Admiral Landolt, in reviewing your prior testimony and hearing your testimony again today, it's clear that you did everything possible to come up with assets and assist in the response in as timely a way that you could, given the lack of understanding of what was happening on the ground.

Have you ever come across any indication that any of your staff had any less of an imperative to respond that night?

A No.

Q And in addition to the time it takes to gear up and mobilize resources, such as the U.S.-based team, it also takes time in the wake of an attack to figure out the facts on the ground so that we're not rushing into a situation where possibly more people can be killed, right?

A Correct.

Q My colleague asked you a hypothetical in the last hour about a hypothetical situation in Liberia. Is it fair to say that the new normal sort of focuses on addressing unrest on the front end rather than responding after violence occurs?

A I would say yes. If you've got indicators and warning, then you can put forces on a tether, but you can't keep them on a tether forever.

Q And you left Africa -- the U.S. Africa Command more than 2 years ago, correct?

A Correct.

Q And in any event, based on your understanding of the developments since the new normal, would you say that AFRICOM is better off today than they were in 2012?

A Definitely. I wouldn't say it's robust, but it's better than it was before 2012.

Q While you were at AFRICOM, were you aware that the Deputy Chief of Mission, Hicks, had planned to come to Africa, AFRICOM to discuss NEO planning?

A I was not aware of that.

Q So you would not be aware that he had delayed that planning trip?

A I would not be aware of that, no. That would have probably been in J5's basket.

Q Admiral, in your last testimony, you spoke quite a bit about how you and Admiral Leidig were sort of sitting next to each other working hand in hand on the night of the attacks.

A Right.

Q Fair to say that you had confidence in Admiral Leidig's ability to make decisions and respond?

A Absolutely. He was General Ham's deputy, General Ham's entire tour.

BY MR. KENNY

Q And did you witness that on the evening of the attacks as you sat beside him?

A I knew he had deep background on the theater and the AOR. I also worked with Admiral Leidig in a previous position when he was in Naples with me and I was on the NATO staff there and he was on the 6th Fleet staff.

BY MS. GREEN:

Q Admiral, the pilot who ultimately flew the C-17 down to Tripoli was a Reserve Air Force major. I believe he's now retired. He has appeared on Fox News and made a number of claims that night about how he could have responded to Benghazi, and I would just like to ask

your perspective about those.

A All right.

Q So regarding the 9/11 anniversary, he said, quote, "you would have thought we would have had a little bit more of an alert posture," end quote.

A It was 9/11 all over the world.

[12:39 p.m.]

BY MS. GREEN:

Q He was, by the way, at Ramstein on bravo alert. He also said, quote, "If they would have called, we would have been down there 3 hours basically. Hurried up timeline, it probably would have taken 1.5 hours to get off the ground, so we could have gone down there and gotten them easily," end quote.

Is that a fair statement?

A You know, that's an Air Force -- we were talking to the Air Force three star, and he would know better than, I think, the Major would. Again, we had no indicators of warnings, and if you're going to spin up for every 9/11 anniversary, well, you're going to burn up a lot of money. I would prefer to go with indicators and warnings.

BY MR. KENNY:

Q Sir, I think you described earlier your understanding that that particular aircraft was a cargo transport ship?

A Right.

Q According to this one witness, it sounds like he believed he would've been able to arrive in Benghazi some period of hours after he was alerted. Do you have a sense of --

A Well, so I've got a C-17 that's going to go into a hostile environment.

Q That's what I'd like your help in understanding, sir, the risks that would be associated with that.

A Right. We thought that there may be the threat of MANPADS, air-to-air -- ground-to-air missiles, and a C-17 is a big, fat target. And, again, sending them in why? We had no mission.

BY MS. GREEN:

Q Admiral, the Accountability Review Board found that, quote, "The total elimination of risk is a nonstarter for U.S. diplomacy given the need for the U.S. Government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to nonexistent," end quote.

Is it fair to say that the elimination of risk is also not possible for the U.S. military, and how do you balance risk in terms of determining where we operate?

A That's a great question. We all engage in risk management, and you can never drive risk to zero. So what is prudent risk? You know, we saw continued instances through the summer in Benghazi, and yet, there didn't seem to be an inclination to ask for more security forces.

Q And it sounds like there was a fair amount of risk throughout the continent while you were there. Fair to say?

A Not throughout the continent but particularly -- well, okay, you can say throughout the continent, but particularly in the north.

Q Admiral, this is now the eighth congressional investigation into the Benghazi attacks, and we want to make sure it's the last one. We are, therefore, asking every witness a series of questions about

public allegations that have been made since the attacks. While anyone can speculate or have an opinion about the attacks, only a limited universe of people have firsthand knowledge or evidence of what happened before, during, and after the attacks. So what I'm asking here is not for your opinion, but whether you have firsthand information, and if you do not, we will move onto the next question.

There are a dozen or so questions, so I ask for your patience.

A Okay.

Q It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I do not.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I do not.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it Four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed

an April 2012 cable denying security resources to Libya?

A I do not.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A I don't.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya, in the spring of 2011?

A In the spring of 2011, I was in Asia, so I do not.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I have no evidence.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I don't.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligent Committee's finding that there was no stand-down order to CIA personnel?

A I do not.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist a Special Mission Compound?

A I do not.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A I do not.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I do not.

Q Let me ask this question for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A I don't.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I do not.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I don't.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A I don't.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief, or missing in action on the night of the attacks?

A I don't.

Q It has been alleged that a team of four U.S. military personnel at Embassy Tripoli on the night of the attacks, who were considering flying on the second plane to Benghazi, were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were, instead, ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in

Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I do not.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy them?

A I do not.

Ms. Green. That concludes our questions, unless my colleagues --

Mr. Tolar. I've got a couple follow-ups. We'll knock them out real quick and get you out of here.

Admiral Landolt. Sure.

BY MR. TOLAR:

Q Sir, you think, you previously indicated, you went on shore about 10:00 a.m. on the 12th. Is that right?

A That's what I recall, yes.

Q At the time that you did, were you aware that the second plane, the last of those in Benghazi, had departed for Tripoli?

A I don't recall. Do you mean -- are you talking about the team that went over there to get the -- to find the Ambassador?

Q Yes, sir. Remember, we had two flights in Benghazi that basically took everybody over to Tripoli.

A Two flights, or just one?

Q It was two, wasn't it? Yes. It was two flights. But regardless, assuming it was two flights -- I withdraw the question. It doesn't matter.

Let me do this: When you went ashore, what were your concerns? Were you having any pressing concerns or anything at the time that you left that morning, anything you told, directed your staff to keep an eye on this or whatever?

A We'd found them -- by the time I went home, we had found the -- knew the Ambassador had passed away. We were in possession of his body. It was just a matter of getting the medical aircraft down there, and I think we had already requested the aircraft from EUCOM.

Q I'm going to bounce around a couple different issues here. What was your understanding of the mission of the ARB?

A To review what happened that day, and I remember Ambassador Pickering and Admiral Mullen, and get to the heart of why Ambassador Stevens died.

Q Given the fact that you were the -- I'm sorry.

A And we had four casualties, you know, find out why the four Americans died.

Q Given the fact that you were the AFRICOM operations officer --

A Right.

Q -- were you surprised that the ARB had no interest in speaking with you?

A A little bit, I was.

Q Did you express that surprise to anyone?

A I probably said that to General Ham and General Leidig after it came out at, you know, in cocktail, light conversation, we were just surprised that they didn't dig deeper.

Q What do you mean "dig deeper"?

A Well, interview more of the principals.

Q You mentioned also earlier that obviously Egypt belongs to CENTCOM?

A Correct.

Q That said, are you aware of any assets that the United States may have had in Egypt at that time, any kind of either trigger pullers and/or aircraft?

A I don't recall any.

Q During your tenure as the J3, did the United States typically maintain or have assets in Egypt?

A I would say yes, but I don't recall having a conversation with Craig Fowler that discussed it. I'd be speculating.

Q Yes, sir. That's okay.

But in your experience, did we ever keep assets in Egypt? Do you recall?

A That would be a CENTCOM question, so I don't recall. I don't know.

Q That's okay. Thank you.

Sir, at the time, were you aware that following the Benghazi attacks that there was a threat made to the Embassy in Tripoli?

A I vaguely recall it. That sounds like a J2 warning.

Q Did that elicit some kind of response from AFRICOM at the J3?

A Well, I think that's why we wanted to get a FAST Team in there.

Q Obviously, you've talked about the fog of war, but just kind of tease that out. What were your biggest challenges that night? As you're sitting in your seat, you're sitting by the deputy, the DCOM, what were the biggest challenges you all were facing that night?

A Oh, lack of intelligence, lack of situational awareness. We didn't know where the Ambassador was until about 4:00 in the morning.

Q Were you getting anything in real time?

A Practically nothing.

Q Once Team Tripoli arrived in Benghazi, were you receiving anything in real time from them?

A No.

Q Just a few minutes ago you mentioned you talked to the Air Force three star, was that General Breedlove that you say, the commander?

A No, that was General Franklin.

Q And he was the --

A I want to say 17th Air Force commander. I didn't talk to him. I have talked to him but General -- Admiral Leidig would have done that.

Q Where's the 17th Air Force located?

A Ramstein.

Q They are an AFRICOM component command?

A I think he's -- 17th Air Force is also -- has a secondary -- another hat that's called commander Air Force's Africa.

Q Okay. Following the attacks -- let me back up. Recognizing you're a sailor, in terms of the mortar attacks, did you have any thoughts about that attack and how it was executed immediately following that, when you became aware of it?

A I heard General Ham's observation Thursday or Friday of that week where he says it was a professional job. They bracketed and then hit dead center.

Q At the time, did you have any appreciation of that?

A I did.

Q At the time of the attack?

A Oh, no, not in real time.

Q Yes, sir.

A No, this was an after-action evaluation by an Army infantryman.

Q And did AFRICOM ever make any effort to kind of figure out where those attacks came from or who --

A We had a long meeting with the J2 folks on Saturday when General Ham was back in town and we identified some of the leadership.

Q Of the mortar attack?

A Of the terrorist attack writ large. I remember hearing the name (REDACTED) that weekend and (REDACTED).

Q What was the first word you said?

A (REDACTED) I think it was (REDACTED). He was (REDACTED)

Q Check. And at the time the SST -- is this accurate -- the SST in Tripoli belonged to Admiral Losey, for all intents and purposes? They were a SOC asset, correct?

A They were.

Q So any conversations about what they're going to do, would that have gone from Admiral Losey down his food chain to those boots on the ground?

A It would have.

Q Did you, in any way, engage with the SST as to what they were doing that night or anything?

A I did not.

Q Thank you. Any of your staff?

A I suspect they heard what they were doing through the DAT, and General Hooper might be able to answer that better, but it would have come to our attention. But they were probably just fixing in place and providing security.

Q Sir, as we've conducted this investigation, one of the things we keep hearing and we keep trying to just ask folks about is, it just seemed that -- the impression is it took a long time for DOD to respond. And this is coupled with the fact that we've learned that, you know, the CIF was on the tarmac for 9 hours, the FAST Team was on the tarmac for 6 hours.

Is there anything you'd like to share with us to address that issue and help folks understand the response and whether or not it was timely or whether or not there was a sense of urgency, et cetera?

A It gets back to what was the mission. We didn't have enough intelligence to discern what our mission would be. We didn't anticipate a second attack. And so we had things flowing into the AOR but, again, we weren't going to put anybody, like a C-17, into a combat situation when we didn't know what the threat was on the ground.

Q You previously indicated in your previous interview that, you said words to this effect, sir: Basically we had two wars going on at CENTCOM, and CENTCOM was getting all the assets, for all intents and purposes. You talked about the fact that AFRICOM was one of the AORs where the leadership decided to take risk. And I think you said this is the price you pay for taking risk and managing risk badly. What

did you mean by that, managing risk badly?

A Well, is that what I actually said?

Q You made the comment that that's the price you pay for taking risk and managing risk badly, I believe that's the quote.

A Well, I would go to the Pentagon two to three times a year for the J3 conferences, and plead for assets, and sometimes I'd win, mostly I'd lose. And we did have two wars going on, and, you know, our military forces are spread pretty thin right now.

So in terms of managing risk for AFRICOM, I think our national leadership managed it badly. We didn't have enough in hand. AFRICOM, despite we being in the third year of our existence, did not have enough dedicated forces.

Q Is there anything else that you could think of that this committee should be aware of that would help us understand what happened that night that you'd like to share with us?

A I think you -- if you haven't covered it all by now, I don't think I can add anything.

Q And I apologize, you mentioned General Franklin a couple of times.

A Right.

Q Was Admiral Leidig the one communicating with him?

A He was.

Q And what was the nature of their discussions?

A They were on the red phone, I remember at least twice that night, and it was usually what do you have available for a fighter attack

aircraft and tankers. I'm sure the question was asked by them. I did not hear both ends of the discussion, but I know he asked him at least once, you know, what have we got.

Q And I apologize, sir, this is -- I believe this is the first time I've heard General Franklin's name come up. We've always been hearing about General Breedlove. But --

A I may have it wrong. But I knew we had a good relationship with Franklin. Breedlove, being the four star, he might have been talking to Breedlove and I just got it wrong.

Q Okay. Is there anybody else that you think it would behoove the committee to speak with in order to gain a better understanding of what happened that night?

A I think you've hit them all. From what I've known, I think you've hit everybody. I can't -- I mean, I know General Ham is coming back, I heard, and you've already hit Admiral Leidig. You've probably hit all the flag officers that were working for AFRICOM, so beyond that, no.

Mr. Tolar. Shannon?

BY MS. GREEN:

Q Just a couple of questions.

Sir, do you think it would be helpful for us to interview, for example, the drone pilots? Is there anything we could learn from them?

A I don't think so.

Q You mentioned that you would go to the Pentagon a couple times a year and plead for assets.

A Right.

Q Would assets be a product of the resources available for the DOD to purchase?

A Both what's available and what needs to be purchased, yes.

Q Which requires money, right?

A Right.

Q So fair to say, Congress has a role in that?

A Yes. I mean, I'm sure it's an input into the budget process every year because you have to measure the demand signal.

Ms. Green. Admiral, again, thank you very much for volunteering to come in and speak with us. We appreciate your time and coming up from Mobile, so thank you very much.

Mr. Tolar. Sir, on behalf of Chairman Gowdy, I want to thank you and your wife for your 32 years, 7 months, and 19 days of service. Greatly appreciated.

We're off the record.

[Whereupon, at 1:06 p.m., the interview was concluded.]

**INTERVIEW OF
DR. JAMES NORTHEY MILLER, JR.**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 10, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

MAC TOLAR, *Senior Counsel*

SHERIA CLARKE, *Counsel*

PETER KENNY, *Minority Senior Counsel*

DANIEL REBNORD, *Minority Professional Staff*

FOR THE U.S. DEPARTMENT OF DEFENSE

EDWARD RICHARDS, *Office of the General Counsel*

WILLIAM HUDSON, *Office of the General Counsel*

Mr. Tolar. This is a transcribed interview of Dr. James Miller conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks at the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th and House Resolution 5 of the 114th Congress.

Would the witness please state your name for the record?

Mr. Miller. James Northey Miller, Jr.

Mr. Tolar. Sir, the committee appreciates you being here today. Thank you very much.

Mr. Miller. Thank you.

Mr. Tolar. Again, my name is Mac Tolar, and I am with the committee's majority staff.

At this time, I'd ask everyone in the room to please introduce themselves for the record.

Ms. Clarke. Sheria Clarke, majority staff.

Mr. Kenny. Peter Kenny, minority staff.

Mr. Rebnord. Dan Rebnord with the minority.

Mr. Hudson. Bill Hudson from the Office of the General Counsel from the Department of Defense.

Mr. Richards. Edward Richards, DOD OGC.

Mr. Tolar. Thank you.

Sir, as you can see, we've got an official reporter here taking everything we say in order to make a written record. Accordingly, I would ask that you provide verbal responses, such as "yes" or "no,"

to our questions as opposed to nods of the head. I'll ask the reporter to jump in anytime in order to keep us in line with that regard.

Mr. Miller. Okay.

Mr. Tolar. Also, please understand that, although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Dr. Miller, do you understand this?

Mr. Miller. I do.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

Mr. Miller. No.

Mr. Tolar. That's all I have.

Sir?

Mr. Kenny. Dr. Miller, just on behalf of the ranking member and the other Democratic members of the committee, we'd like to thank you for appearing here today, just acknowledge that you are appearing here voluntarily, and thank you and we appreciate that, and look forward to hearing from you today.

Mr. Miller. Thank you.

Mr. Tolar. I now have -- how about -- let's call it 10:02, and we'll start the first hour of questioning, please.

EXAMINATION

BY MR. TOLAR:

Q Sir, if you would, would you please walk me through your billets at DOD, starting with the oldest coming forward?

[REDACTED]

A Sure. I was Deputy Assistant Secretary for Requirements and Plans starting in 1997. And shortly after I started that job, the portfolio of counterproliferation policy was added, so by 1998 I was Deputy Assistant Secretary for Requirements, Plans, and Counterproliferation Policy.

I left that position in late 2000 and then returned to the Pentagon as Principal Deputy Under Secretary of Defense for Policy in April of 2009. I served in that role through early 2012.

In February of 2012, the then-Under Secretary for Policy departed, and I became, in addition to Principal Deputy Under Secretary, I became Acting Under Secretary as of, I believe, February 5th, 2012.

Once confirmed as Under Secretary that late spring of 2012, I served as Under Secretary of Defense for Policy until early January of 2014.

Q And, again, I mentioned this earlier, but bear with me here. You were --

A Oh, sorry --

Q Go ahead.

A I should add, I am currently a special government employee as a member of the Defense Science Board.

Q What does that mean?

A The Defense Science Board is appointed by the Secretary of Defense and overseen by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

[REDACTED]

It's a group that is formed to provide independent advice on matters of technology policy -- not specific acquisitions, but future challenges that our technology and military capability should address. And, as an example, I'm currently co-chairing a task force on cyber deterrence as part of the Defense Science Board. It's an advisory group.

Q Yes, sir.

A Unpaid position.

Q Okay.

As the Under Secretary of Policy, kind of walk me through what your responsibilities were, please.

A Sure. The Under Secretary for Policy is responsible for advising the Secretary of Defense on strategy, policy, and planning.

Planning you can think of in two categories. One is defense planning, which is the guidance scenarios and so forth that inform where the services should invest their resources to provide capabilities.

A second part of that planning is contingency planning. And, under Title 10, the Under Secretary of Defense for Policy is responsible for advising the Secretary of Defense on written guidance for war plans and to support the Secretary of Defense's review of those plans.

Those are the key functions. The Under Secretary of Defense for Policy serves as a member of the Deputies Committee in the interagency and frequently represents the United States in international meetings, both having visitors from overseas and traveling extensively to meet with our allies and partners and, indeed, when appropriate, to meet

with our potential adversaries, such as meetings with the Chinese or Russians to discuss strategic stability, for example.

Q And you talked about the planning aspect of that little troika of responsibilities. Talk more about the strategy portion, please.

A The strategy starts with involvement on the national security strategy, which is a White House product. The Under Secretary for Policy and his or her team is then the lead for the development of the national defense strategy.

That national defense strategy is typically embedded in the Quadrennial Defense Reviews which occur. Occasionally there have been updates, such as the 2012 defense strategic guidance that Secretary Panetta put out. That was, again, an update to strategy with resource implications.

The next step in that process for the Department of Defense is the Chairman's development of a national military strategy, which is intended to flow from first the national security strategy, then the national defense strategy. And the Under Secretary and his or her staff are involved in reviewing that and commenting on that product as well.

And then, in addition to those capstone strategy documents, there are occasional strategies for either regional areas or for functional issues. For example, one of the strategies put out not long before I departed in January of 2014 was a new Department of Defense strategy for combating WMD.

Q When you talk about a strategy being formulated and released, does that incorporate planning and policy into that? I mean, what does the document look like? What would it be called, per se? Is it labeled just, this is the DOD strategy for WMD? And does that include policy and planning?

A So the answer to that question has varied somewhat over time, but, in general, the titles will be "National Defense Strategy for Combating WMD" or for some other issues.

Many of them are made public; some are not. And those that are not still inform internal policymaking and decisionmaking. Many of them, perhaps most of those that are public, are signed out by the Secretary of Defense. Some of the typically lower-level strategies have been signed out by the Under Secretary of Defense.

Q And bear with me. I'm a Marine, so I'm a little bit slow. But, again, is the policy and planning associated with that strategy folded into that plan?

A Yes. There have been two predominant models. One model is that the strategy is developed and then there is subsequent planning guidance that's promulgated separately and sequentially. In some instances, an implementation plan or planning guidance is developed in parallel with the strategy.

In only a few cases, in my recollection, has the specific planning guidance been embedded in the strategy. For example, as I recall, the national defense cyber strategy update that Secretary Carter put out, in fact, had specific milestones for implementation embedded in the

strategy document itself.

So the answer is that strategy documents generally have an implementation plan of some form. If they didn't, they wouldn't be of as much use. And, in most instances, that document is separate. In some instances, it's separate and classified.

Q Yes, sir.

A So, in fact, I'll give you --

Q Sure. Please. Absolutely.

A -- one more example. So Secretary Gates signed out the Nuclear Posture Review in April of 2010. That was an unclassified document. It went to Congress. It, in fact, met a congressional requirement.

Subsequent to that, there was an internal, detailed review, the foundations of which had started during the Nuclear Posture Review, but an internal so-called Nuclear Posture Review Implementation Study, in which detailed guidance and so forth was fleshed out. And it was consistent with the unclassified document, but it was at a higher level of detail. And because it involved guidance for nuclear planning, it was classified.

And there are other examples that are in that general model.

Q Yes, sir.

Does policy shape strategy, or does policy flow from strategy? Bear with me here.

A It's --

Q Does that make sense? Is that fair?

A Yes.

Q Okay.

A And the answer is "yes" in the following sense: National security strategy at the highest level can be seen as implementing broad policy direction even in terms of the high-level objectives of the Nation. And that would include to protect our interests, protect the homeland, protect our interests overseas, and so forth.

So an articulation of strategy is generally within a very broad policy context. And, typically, the strategy will describe that in terms of the ends of the strategy. And it may adjust those ends, it may reformulate them, but the broad policy context, in my view, is given at the outset of the development of a strategy, although it may change.

Then the specific policy guidance that flows out is derivative from the strategy. And, in effect, you can think of multiple layers. And just as there's a national security strategy, national defense strategy, national military strategy, then there may be subordinate regional and functional strategies, there are layers of policy guidance that are involved in the implementation of each of those.

Q In an effort to ensure I understand, at the big-picture level, policy informs strategy. However, once strategy is formulated, more granular policy flows from that and results from that in order to implement the strategy. Is that accurate?

A That is how I would describe it. And there are serious students of both strategy and policy who will make a case that policy must always be above, and there are others who say that strategy must

always be above. So, even among the aficionados, it's an area of active discussion and, indeed, debate.

Q Talk to me briefly, sir, about your organization as the Under Secretary. Just, kind of, what does your organization look like? Did you have folks working for you that wore a uniform from one of the services, kind of thing?

A Sure, sure.

So, first, on the organization, in addition to the Under Secretary, there are six Senate-confirmed officials as part of the Office of the Under Secretary for Policy: Principal Deputy Under Secretary for Policy -- that's the position I had first when I came back into government in April 2009 -- Assistant Secretary for International Security Affairs, with regional responsibility; Assistant Secretary for Asia-Pacific Security Affairs, with obvious responsibility; Assistant Secretary for Special Operations and Low-Intensity Conflict -- and, at some points in time, in various administrations, that title has been lengthened.

There's currently an Assistant Secretary for Strategy, Plans, and Forces. At some times, that assistant secretaryship has been a deputy under secretary. And then there is currently an Assistant Secretary for Global Strategic Affairs -- I'm sorry -- for Homeland Defense and Global Strategic Affairs. Those were merged together as the Assistant Secretary for Strategy, Plans, and Forces came into being from previously Deputy Under Secretary.

Q Uh-huh.

[REDACTED]

A So those are the basic positions. And under each of those Assistant Secretaries is a number of Deputy Assistant Secretaries. Because of the work on efficiencies, that number has changed over time, but when I started my position as Principal Deputy Under Secretary, it was 23 Deputy Assistant Secretaries, all of whom were civilians and all of whom were not Senate-confirmed but were -- the majority were political appointees, and a few were careerists.

And then the answer is, yes, the staff is comprised of both civilians and uniformed military personnel.

Q Approximately how many personnel make up your team in total?

A In approximate numbers -- well, see, when I departed, it was approximately 420 civilians and approximately 135 military, plus contractor support, plus positions such as detailees and Intergovernmental Personnel Act fellows and so forth.

Q Who was --

A Those numbers have come down since, and that reduction was in process at the time I departed.

Q Yes, sir.

Who was the Assistant Secretary of Defense for International Security Affairs while you were Under Secretary?

A Derek Chollet.

Q Say it again?

A Derek Chollet --

Q Chollet. Okay.

A -- was Assistant Secretary of Defense for ISA.

[REDACTED]

Q And what were his responsibilities as they relate to you and informing you, et cetera?

A International Security Affairs is a regional portfolio, and Mr. Chollet and his team had responsibility for advising me and ultimately supporting my advice to the Secretary of Defense for issues relating to virtually every region of the world aside from Asia-Pacific and, at that time, when I was Under Secretary, aside from the Western Hemisphere.

With the restructuring that occurred as part of our work to improve efficiencies, the Assistant Secretary for ISA has taken on responsibilities now also for Western Hemisphere. So that includes Europe and Russia, it includes Africa, and it includes the Middle East, in particular, and now, as I said, it also includes the Western Hemisphere. It did not when I was Under Secretary.

Q Is there an acronym for his title? Is it just --

A ASD ISA.

Q I mean, how would you say it? Just like that?

A Yes.

Q Okay. So he would have been your primary adviser for Africa? Or, he or his staff? Is that fair?

A Yes.

Q To include Libya?

A Yes.

Q Okay. And who was the Deputy Assistant Secretary for Africa while you were there?

[REDACTED]

A For much of this period, it was Amanda Dory, who was --

Q Could you spell her last name, please?

A D-o-r-y.

Q Okay.

A -- who was a careerist. And, prior to her time, it was Theresa Whalen. But, to the best of my recollection, during the period of time that we're talking about now, the Deputy Assistant Secretary was Amanda Dory.

Q And is she still with the Department, to the best of your knowledge?

A I believe so.

Q Okay. And -- I'm making this up -- would you call her the DASD?

A Yes.

Q How about that.

A That's correct.

Q As the DASD, kind of talk to me about what her responsibilities were in terms of informing Mr. Chollet and yourself, et cetera.

A So the Deputy Assistant Secretary for Africa Affairs have a staff, each of whom would be responsible for an individual country or a number of countries and for tracking ongoing events in those countries and to provide, not intelligence assessments, but policy assessments of both emerging issues with the government and emerging opportunities. So they would also serve often at the working level

[REDACTED]

in interagency discussions of policy as well.

Q At the DASD level, is that where policies are formulated at the lowest level, per se? Is that fair?

A It's fair to say that at the DASD level is where staffs are led and integrated. So, while policies may be approved by the Secretary of Defense -- in principle by the President, Secretary of Defense, Under Secretary for Policy, typically, the people to whom we turn for advice and for subject-matter expertise are the staffs of the Deputy Assistant Secretaries in general.

Q Does DOD maintain, for all intents and purposes, a standing policy for every country in the world, per se? I mean, is there a file cabinet or database somewhere that's the Libya policy, that's the Liberia policy, that's the Canadian policy or whatever, or something like that?

A I believe it would be more accurate to say that there is a standing and evolving set of policies guiding our engagement with essentially each country in the world. And those policies are derived from the documents I talked about before -- national security strategy, national defense strategy, national military strategy, and, where applicable, other functional and regional strategies.

Q Sir, prior to today, have you ever been questioned about the events surrounding Benghazi?

A Not in any official capacity.

Q And what type of unofficial capacity?

A Well, my family and my wife have asked me. My friends have

asked.

Q Sure.

A I've discussed privately, you know, with colleagues.

Q Sure. Sir, do you know what the Accountability Review Board is?

A Yes.

Q Were you interviewed by the ARB?

A I was not.

Q Was anyone on your staff interviewed by the ARB?

A Not to my knowledge.

Q Do you understand what the ARB's mission was?

A I believe so.

Q Did you as the Under Secretary have any input or guidance or suggestions for the Secretary of Defense or the Secretary of State as to who should serve on the ARB?

A I did not.

Q As the Under Secretary of Policy, were you surprised that the ARB did not seek to speak with you?

A No, I was not surprised. I understood their task to be to do first a high-level assessment and then focus in on those areas which they determined were most important for future decisionmakers for future policy. And, as I read the report, that focused predominantly on the State Department and had relatively little to say about the Department of Defense.

And I believe that, as I expect we'll discuss, as one looks at

the distances and timelines associated with providing military assets into or over Benghazi on September 11th or September 12th of 2012, I believe the ARB reached a reasonable conclusion.

Q But is there not a connection between State Department policy and DOD policy in terms of how they would intertwine, especially given DOD's potential support for State Department as necessary?

A There's a relationship, in a sense, at several levels. One is on the ground, where U.S. military forces need to be prepared to communicate with and coordinate with their State Department counterparts, whether it's Marine Security Guards or a force coming in, and then at multiple -- at least at the interagency level, there's then a need for the consistency of the overall policies in terms of what the posture is for -- protective posture.

But I think it's important to understand that in both departments there is a significant degree of discretion that's expected to be exercised by the Ambassador for the State Department and by the combatant commander and that staff.

Q Yes, sir.

A And the boundaries of that are, I believe, generally well-understood. And while they may change over time, that coordination, in many instances, needs to occur not because of the precise definition of terms laid out in policies but because of the exigencies of a situation.

In other words, to coordinate the activities of tactical units on the ground, for example, you will have a set of guidelines, you will

have a set of operating procedures and so forth, but that's not the type of policy that would be prescribed by the civilian office that I led.

Q I guess in terms of, though, the policy associated with the MSGs and their responsibilities, obviously, as a result of the attacks at Benghazi, their mission was expanded. Is that fair to say?

A Their scope and scale was expanded.

Q Correct. Is that not a policy issue?

A It was. And the Marine Corps took the lead in working with the State Department, but my team and I got engaged in the so-called "new normal" discussions, including a risk assessment and prioritization for deployment of additional Marine Security Guard detachments.

Q I guess my point is, as the Under Secretary of Policy, is there anybody better poised in all of DOD to discuss policy as it relates to the attack at Benghazi and the subsequent policy changes that were implemented -- is there anybody better poised to discuss that than yourself?

A I believe that there are a number of people who are and were well-poised to discuss the details of the attack and how it unfolded and --

Q Absolutely.

A -- what our military options were.

Q Yes, sir.

A And I'd say that my joint counterpart, who at the time was

Vice Chairman of the Joint Chiefs, or, sorry, Admiral Sandy Winnefeld, would also be well-positioned to discuss those issues.

And for each of the issues we might discuss, I am aware that there's someone on my staff and likely often someone, in this instance, in the Marine Corps who will have more detailed knowledge that I'll need to tap into to provide the best judgments.

Q But, again, you weren't surprised that the ARB had no interest in speaking with you? That didn't give you pause, or you didn't give it a second thought?

A I was not surprised.

Q Okay.

A As I said, I believe they reached a reasonable judgment regarding the timeline and the tyranny of time and distance, if you will, and that there were no available military options that were -- no desirable ones aside from those that were undertaken.

Q We've talked about this a little bit, but I need to get into the weeds a little about policy, per se. So I guess what I'm trying to do is understand the policy associated with, obviously, the attacks in Benghazi in the 2011-2012 timeframe, specifically about the attack, but also the 2011, the precursor to the attack, what the policy was then and what it was subsequently to.

I guess, first of all, would you just help me and define what "policy" is?

A At the highest level, policy outlines the broad objectives of an organization or, in our case, of the United States, as we referred

to before -- that's at the broadest level -- and where we wish to go over time.

At the level of implementation, policy is written to give specific guidance for how our strategies will be pursued, whether it's the national security strategy, national defense strategy, or national military strategy. So our policies are also written -- in addition to being intended to provide guidance for how to pursue a strategy, they're written in order to ensure adherence to international law, national law, and so forth.

And the term is used colloquially in a number of other ways, right?

Q Sure. Absolutely.

So do policies take the form of, like, a white paper? How are they promulgated, per se? Is there, again, a file cabinet with a bunch of policies in it? How do they exist in the final form? And what do you call them? Are they just the --

A Sure.

Q -- Africa policy, or what?

A Sure. So, at the national level, you have Presidential policy directives. They've had different names over time, but PPDs are what they're called now. And the Policy Office and the Under Secretary will participate in the development of those that relate to national security, which is the majority of those.

At the level of the Department of Defense, policy takes a number of forms. There are a set of guidance documents. There's the Defense Planning Guidance that is high-level guidance to the services for the

development of their program-objective memoranda --

Q Is that what it's called, the Defense Planning Guidance?

A It's called the -- it's had various names over time, but the most common name is Defense Planning Guidance.

Q Okay.

A There's Guidance for the Employment of the Force -- sometimes it's been called that, and sometimes it's been called Contingency Planning Guidance -- which, like the Defense Planning Guidance, is signed by the Secretary but developed by the Office of the Under Secretary. And that is guidance for the development of operational plans and so-called con plans and functional plans.

Then, within any military operation, there is a set of guidance that is generally provided by the Secretary of Defense to the force. That guidance on how to operate in the field and the parameters of rules of engagement and so forth goes through a different process, which is on the uniform side of the house, with the combatant commander and the Joint Staff being deeply involved.

And then some components of OSD policy will be involved in commenting on that, as well as others, in particular the Office of General Counsel, to ensure that everything is consistent with U.S. and international law.

Q Is there any policy that's developed in DOD that doesn't involve the Under Secretary of Policy, I mean, per se?

A Yes. Acquisition policy is developed by the Under Secretary for Acquisition, Technology, and Logistics. Personnel

policy is developed by the Under Secretary for Personnel and Readiness. And so forth for the other Under Secretaries.

Q Was there a standing DOD policy for Libya in 2011, Libya-specific?

A There was guidance for the employment of U.S. military force and our operations that were conducted during that period. There were objectives for Africa policy, including Libya policy, that could be considered as policy in the 2011 timeframe.

And I expect that there is additional detailed policy which I was not involved with because of the way -- in 2011, as Principal Deputy Under Secretary, one of my roles was to serve as alter ego to the Under Secretary, but an additional role was to take a portion of the overall portfolio of Policy and focus on that. My focus was not on the regional issues as Principal Deputy Under Secretary; it was on the so-called functional issues -- cyber, space, nuclear weapons, missile defense, so forth. And so to say any more about the specifics of that policy would be speculation on my part for 2011.

Q Subsequent to the fall of Qadhafi, did that policy change, to the extent that it existed?

A The specific guidance changed for -- the specific guidance for military operations changed. And, if I recall the dates correctly, I believe that the military operations -- first there were coalition operations, then NATO operations. And the NATO operations, if I recall correctly, completed on October 31st of 2011.

And, at that point in time, although I was not the principal

person -- because the Under Secretary was the principal person who was working on these issues -- I'm confident that there were changes in the guidance that was provided to our military just because of the nature of the changed circumstances and the changed pattern of our deployments and the cessation of air operations.

Q Would the DASD Africa -- I think you may have addressed this, but just in case -- would they have been the primary person tracking the Libya policy, amending the Libya policy, et cetera, during the 2011-2012 timeframe?

A Yes.

And it's useful to understand that, as one looks at Libya operations during this period, there is a -- certainly by the time that I became Under Secretary, there is an important regional and, over time, clearly, a question within Libya of counterterrorism as well. And within our Policy organization, the Assistant Secretary for Special Operations and Low-Intensity Conflict is the lead adviser to the Under Secretary for Counterterrorism.

So those two Assistant Secretaries and, indeed, the Deputy Assistant Secretary, as well, would then be expected to work closely together to identify country objectives, how they fit with regional objectives -- that's what the DASD for Africa affairs would bring to bear -- and then to integrate those with counterterrorist objectives for the country and for the region and, indeed, globally. And that's, at the staff level, what the staff of the Assistant Secretary for SOLIC and the Deputy Assistant Secretary for Combating Terrorism would be

expected to bring to bear.

So that sometimes formally but on a day-to-day basis informally, you need to integrate those regional perspectives and those so-called functional perspectives on counterterrorism in order to have a full appreciation of the situation and in order to provide effective advice.

Q I'll probably get the titles wrong, but I apologize. Who was the Assistant Secretary for Low-Intensity Conflict? Did I say that right?

A The Assistant Secretary for Special Operations and Low-Intensity Conflict, SOLIC. At that time, it was Michael Sheehan.

Q Say that last name, please.

A Sheehan, S-h-e-e-h-a-n.

Q Did he have a father who was a Marine general? No. I withdraw the question.

And then underneath that person, was there a DASD that handled Africa, per se?

A Underneath the Assistant Secretary for SOLIC, the relevant person was a DASD for Combating Terrorism.

Q Do you recall who that was?

A I believe at this point in time it was a career civilian named Gary Reid.

Q Reid?

A R-e-i-d.

Q Thank you.

Given the fact that our DOD policies are going to impact our

movement into various countries, what kind of equities does State Department have in the planning process or the policy development process? Did they have -- well, let me back up.

First of all, did you have State Department liaisons on your staff?

A No, I did not have State Department liaisons.

At some points in time, we've had State Department detailees on the staff. An example was David Sedney, who had been ambassador on the diplomatic staff in the State Department, who, starting in the Bush administration, was Deputy Assistant Secretary for Northeast Asia and later for Afghanistan, Pakistan, and Central Asia, just as an example.

So there were, as you might imagine, detailees and assignees and so forth, a limited number, but no formal liaison.

Q And then, back to my previous question, can you kind of talk about -- obviously, State's got equities in DOD policy, I would think. Were they part of the policy-crafting process? Did they provide input? Did they have a chop at some point when it got up the food chain? Kind of, how did that work? What was the relationship between yourself and State Department when it came to crafting policy, especially with regard to Libya?

A The Department of Defense would form its own views, and my staff would work with the Joint Staff and with the combatant command staff, AFRICOM, in developing policy guidance to be proposed, if you will, up the chain of command. That was an intra-Defense Department effort.

And, at the same time, in parallel with that and generally with some of the same people involved, there is an interagency process, chaired by the national security staff, that will develop regional policy. And that, again, is intended to be derivative of the higher-level strategy documents. And the process through which that interagency guidance develops is typically from an IPC -- Integrated Policy Committee I believe it stands for; that's the working-level, often Assistant-Secretary level -- to the Deputies Committee, to the Principals Committee, and, where necessary and appropriate, to a National Security Council meeting chaired by the President.

Those two processes go on in parallel. And the perspectives and positions that the Department of Defense takes into that interagency process are informed by our internal discussions.

At the time at which the President or the principals or, in some instances, the deputies provide national guidance, then we will need to ensure that the policies and guidance of the Department of Defense are consistent with that, right? And the objective is that there be high-level guidance at the national level and somewhat more detailed guidance at the headquarters level, and then discretion left to the combatant commander in terms of posturing of forces and so forth, with a reporting requirement and so on.

Q Did the national security staff have a person or designee that was aligned with your secretariat, per se?

A The closest one was a Special Assistant to the President and Senior Director for Defense Policy.

Q That's a mouthful.

A Defense Policy in short.

Q Who was that person?

A At this time, I believe it was Christine Wormuth.

Q Any chance you could spell her last name?

A W-o-r-m-u-t-h.

Mr. Kenny. And, Mac, could we just be clear on the record, the witness has referred a number of times to "at this time" or "during this period." Can we just indicate which period?

Mr. Miller. I'm referring to the time period around September of 2012.

Mr. Kenny. Of 2012.

Mr. Miller. Yes.

And that's to the best of my recollection. Ms. Wormuth came back over to the Department to be Deputy Under Secretary for Strategy, Plans, and Forces. And I did not go back, before coming in, to look at the timing of that, so it's possible she'd already moved over to be Deputy Under Secretary for Strategy, Plans, and Forces.

BY MR. TOLAR:

Q When it comes to policies, how would you characterize or where do you assign things such as the 1200 missions -- the 1206, the 1207s, the 1208s? Do they just fall under policy? Strategy? Can you explain that, please?

A So the guidelines for those programs, obviously, the authority comes from the Congress. And the prioritization of

countries and the proposed allocation of resources for 1206, 1208, and so forth is managed by OSD policy and involves the combatant commanders, involves the Joint Staff and others.

And, ultimately, a memorandum will come through the staff, and, within Policy, it will come through the Assistant Secretary for SOLIC to the Under Secretary for approval. It will be coordinated throughout the Department with our legal, the Office of General Counsel, the comptroller, the Joint Staff and others, and typically the services.

And then this package of recommended steps for funding of programs will then go to the Secretary of Defense for approval.

Q I guess I'm trying to figure out if your organization, the Under Secretary of Policy, do you weigh in on the implementation of those -- on the 1200 series? I'm not sure -- how would you refer to those, by the way?

A Programs for building partner capacity.

Q Those programs for building partner capacity, it seems to me that's definitely a policy and strategy type of issue. Does the Under Secretary, you, typically weigh in on those issues in terms of the implementation, like, "We're not implementing it," or, "We need to be more aggressive in implementing it," things of that nature?

A Yes.

Q Was that an issue with regard to Libya in 2012?

A Yes.

Q Explain, please.

A At the conclusion of military operations over Libya on

October 31st, 2011, my assessment is that the United States senior leadership had expectations that the British and French would step up, in particular, to help provide stability. It became clear over time, over some period of certainly months, that that stability was not evolving in Libya and that it would be important to attempt to provide some additional support.

The ability to provide assistance to partners is challenging in many circumstances. In the context of the type of situation that was occurring in Libya in 2012, it was particularly challenging. Those challenges didn't end, and, you know, to this day, there's a significant security capacity gap within Libya.

And finding ways in which to provide assistance without putting U.S. forces at undue risk and ways to provide assistance that strengthen government forces and have a low -- or acceptable, which, to me, means quite low, probability of being either wasted or going over to the other side of the threat by terrorists, very low, was very challenging in Libya. And it has been for -- you know, it was at that time and has been for some period of time.

Q Could you flesh out what you mean by "support"? You mentioned "provide additional support."

A Among the programs that we looked at over time, the capabilities that we attempted to provide to the transitional national government of Libya included a protective force for the lead, although the lead for that activity went to another agency, as I recall. We

looked at opportunities to build what equate to our special operations forces and to build their counterterrorism capability.

And, over time, there was an objective to build the capacity of their general purpose forces. The 1206/1208 activities, as best I recall, were focused on counterterrorism and, over time, with building up the portion of their general purpose forces that would especially contribute to that counterterrorism mission and to stability.

Q Was it your opinion that our 1206 and 1208 programs were not robust enough?

A It was my opinion that the conditions made it extremely challenging to be effective in 1206 and 1208 programs.

Q Did you view Libya as an opportunity for America to expand its influence, per se, versus someplace we just need to be there to keep it from blowing up? Do you understand what I'm saying?

A Yes.

Q I mean, in terms of our intentions there, kind of, what was your opinion about what we needed to do?

A My view was that the minimal objective for the United States should be to ensure that Libya did not become a safe haven for terrorists. And meeting that objective was challenging, as we saw.

A higher-level objective was to provide over a period of time for a significant degree of stability within Libya so that it was a functioning state and able to contribute to the stability of the region, and then to fold back on the first objective so that it would not have a high probability of devolving into a situation that could be a safe

haven for terrorists.

Q Operation -- was it Odyssey Dawn? This was in March of 2011. And you were the Principal Under Secretary at the time?

A I was the Principal Deputy Under Secretary at the time.

Q Was there a discussion in the Policy department at DOD about whether or not the U.S. should engage in Operation Odyssey Dawn?

A Although I was not the adviser to the Secretary of Defense at the time nor was I the representative for the interagency meetings, I perceived that there was a discussion about what the U.S. role should be.

Q What was the nature of that discussion?

A I want to avoid speculating about conversations to which I was not a party, and so I want to stipulate that I can't speak to the specific discussions with the Secretary of Defense on the topic or in the interagency process, whether at the deputies level or et cetera.

At the time, my recollection was that there was, first, a question of whether, in fact, there was a significant threat that Qadhafi's forces would engage in a way that produced massive civilian casualties and including in Benghazi and whether they were indeed going to overrun.

And then, following that assessment, in which I believe there was a conclusion that that was a significant probability, as we saw, the British and French, in particular, begin to lean into undertaking operations, what would be the role of the United States in supporting them? Would the U.S. provide assistance to a no-fly zone? Would it

provide aerial refueling, other logistical support, ISR and so forth?

And so, again, I was not a party to those conversations, but I was aware that those discussions were underway.

Q Were you aware of any discussions that the U.S. should not engage in Operation Odyssey Dawn, should not support the French or the British?

A The option to not support them or to support them with a smaller amount of resources more narrowly than was ultimately done, I believe, was something that would have been considered, but I don't have direct knowledge of that.

Q In terms of Unified Protector, were the discussions similar, for all intents and purposes, or was that a different discussion, in terms of how much we support, if we support, et cetera?

A Could you clarify the question?

Q Sure.

A Is your question, once we --

Q Once we transitioned from Odyssey Dawn --

A To Unified Protector, to NATO's lead.

Q -- to NATO operations, was there a discussion there about how much the U.S. would engage in that NATO operation?

A Again, I was not a party to it, but I'm sure that there was such a discussion. And I would have to speculate that, at that time, there was an expectation that we would both work with our allies and on our allies to do more and that we would also be prepared to undertake the necessary steps to support the NATO operation.

So that's the balance you constantly see in alliance military operations. We want our allies to contribute and contribute substantially, and we want to do what is essential for us to contribute, for the operation to succeed.

Q Prior to Qadhafi's fall -- it sounds like this is more of a SOLIC issue, but I'm going to ask you also -- was there discussions at any level about providing weapons to the rebels in order to defend themselves over Qadhafi, et cetera?

A I would have to speculate to answer that question.

Q As the Principal Deputy Under Secretary or as the Under Secretary, from your secretariat, were there ever any discussions about providing rebels weapons either before or after Qadhafi fell, in the 2011 or 2012 timeframe?

A To the best of my recollection, there were informal discussions, what if we do X, Y, or Z, on that topic. And I do not recall a formalized decision that teed that up in the way that you've described.

Q Would you describe it as some folks sitting around just spit-balling, "Nah, that's not a good idea"? I mean, how would you -- I need a little more help about fleshing out what constitutes informal discussions.

A So, as we looked -- again, this is to the best of my recollection -- as we looked at the potential to try to assist the transitional national government at the time, there was a question of what capacities it brought to bear and whether it could, for want of

[REDACTED]

a better term, stitch in some of the rebels to be part of that support and stitch in some of the groups that were relatively friendly, how could they pull individuals -- this is in the 2012 timeframe now -- what's the breadth of the set of personnel that they could draw from, and to what extent were the multiple groups that existed within Libya coherent in opposing the government, to what extent were they relatively fragmented with key people who might support the government.

So, in that sense, again, to the best of my recollection, as we considered what kind of assistance to provide, we of course asked the question, will there be the personnel available to take this assistance and to provide military capacity for counterterrorism and, over time, to promote greater stability? And who are they going to bring into this, and who will they bring in through -- in the sense of have conversations with for negotiation, and what individuals or what types of individuals would might possibly be involved in an establishment of security forces? That was the nature of the discussion that I recall.

Q We're getting ready to take a break here. Before I do, can I get just real quick descriptions or definitions for security strategy, defense strategy, versus military strategy? Just, from your perspective, define each one of those briefly for me.

A National security strategy is the strategy of the United States, to include all elements of national power, to advance its interests and promote values. And the balance between those can be debated.

[REDACTED]

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National defense strategy is intended to implement the broad elements of the national security strategy and to provide guidance to the -- to guiding objectives and ways, as well as indicate the means, for the Department of Defense as a whole to pursue the support of our national strategy.

So there is some repetition involved even between those two, but it's seen as, the national defense strategy, effectively, as an implementing instrument. And sometimes the national defense strategy will come out before the national security strategy, and it, in those instances, will need to take account of the discussions at the national level.

So national security strategy -- about all instruments of national power supporting national security of the United States. National defense strategy -- the use of all tools within the Department of Defense, which, for example, would include our acquisition of future military capabilities and research and development to support those, which would include our personnel policies and how we continue to have the greatest cadre of individuals in our military around the world as we do today, and then, of course, will include also aspects that relate to the potential employment of military force.

National defense strategy, then, generally is at the next level down and will seek to provide -- I believe I said "national military strategy." Just to reiterate, national military strategy is at the next level down and will seek to provide a sense of the ends, which are typically either restatements or rebundlings of the objectives in

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the higher-level strategies, of the ways, and then the means to be pursued in the implementation of -- or in operation of the military.

So, in general, the national military strategy would not address long-term acquisition or personnel policy but would follow and flesh out in more detail the more operationally -- in the so-called strategic operational level, to inform the military forces of the Department of where it is that the senior leadership believes it should go.

And to differentiate, the President will sign a national security strategy; the Secretary of Defense will sign a national defense strategy. Again, often, that's part of the Quadrennial Defense Review. And the Chairman of the Joint Chiefs of Staff will sign a national military strategy.

And some have asked whether there's one too many strategies in there, and I've been a party to that debate. But what it provides is the ability for a conversation from the national level, to the headquarters level, to the Department of Defense, including civilians, to the uniformed military. Each of those elements is involved in the development of each of the strategies, in each of the higher-level strategies.

Military is deeply involved in the national defense strategy. Both civilians and military, both deeply involved in the national security strategy and the interagency process of its development and review.

Q So would, like, manning numbers would be a military strategy issue?

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A Typically, manning numbers would be considered more planning or programming guidance than strategy. And the place where it gets blurred, in particular, is in our Quadrennial Defense Reviews, in which there's been generally a statement of the national security environment and the national defense strategy and then, typically, a description of force structure, often with number of units and sometimes aggregate numbers of personnel as well.

I view those numbers as going beyond the strategy or being specific implementing guidance associated with the strategy. And I think that's, you know, an appropriate way to frame it. As you get to numbers, as you get to units, overall numbers of individuals and so forth, that's about implementing guidance rather than the strategy itself.

Q Okay.

Mr. Tolar. Let's go off the record, please.

[Recess.]

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[11:14 a.m.]

Mr. Tolar. Let's go back on the record, please.

BY MR. TOLAR:

Q Is there anything else you'd like to add to your discussion, definition of security versus defense versus military strategy?

A No. Thank you.

Q Thank you. That was helpful.

Real quick, in terms of rules of engagement, it's my understanding that basically the Ambassador and the COCOM establish rules of engagement for any particular area or AOR. Is that fair?

A The military rules of engagement will come down through a military chain of command. The engagement associated with protection of an embassy, where there may be both State Department and Marine Security Guards and so forth involved, or protection of personnel in country, where there may be both involved, I believe, does involve discussion between the embassy team and the military. But the higher-level rules of engagement, to my experience and understanding, will be provided by higher levels, not just made on the ground by an embassy, if you will.

Q Does your office, the Under Secretary of Policy, have any input into establishing rules of engagement, defining rules of engagement? Or is that the lawyers?

A In my experience, both the General Counsel and the Policy Office will be involved in establishing rules of engagement for operations.

Q Is it possible to have different rules of engagement for -- let's say Afghanistan. Is it possible to have one set of rules of engagement for boots on the ground for fighting bad guys versus those protecting an embassy? Could you have different rules of engagement in the same country?

A I believe that the answer is yes.

And there are certain principles associated with rules of engagement that cut across areas of a country or scenarios. For example, the authority to use force, lethal force, if necessary, in self-defense. There are certain principles that would cut across.

And rules of engagement can be modified over time, and, obviously, they are, as you initiate and conclude operations. And there may be specific rules of engagement for the conduct of one -- call it an operation within a broader theater.

And so, yes, the answer is, yes, a counterterrorism operation may have different rules of engagement than the rules of engagement for the force that's supporting stability operations in --

Q Yes, sir.

A -- Afghanistan, for example.

Q Dr. Miller, in August of 2012, ISR missions being conducted over Benghazi and Tripoli were suspended due to complaints from Libyans. Were you aware of that at the time?

A Yes.

Q Do you recall why they were suspended?

A I don't recall the precise details of either the complaints

or, at this time, of the process that followed that suspended them for a period.

Q Who would have made the decision? Who would have directed DOD personnel to suspend doing that?

A The first authority goes to the combatant commander. And my recollection -- I should say, to the best of my recollection, while a decision could be taken at a higher level, it would be a combatant-commander decision and notification of higher authority, the Secretary, or it would be a request to the Secretary. I don't recall which of those two it was. Again, I would be speculating.

But, in general, a combatant commander with authority to employ ISR assets would have the authority to cease that but would be expected to inform higher levels that that had occurred. And my expectation is that that is what occurred in this instance, but I don't have a specific recollection of how that --

Q Yes, sir.

A -- occurred. It is -- go ahead.

Q I apologize. I'm trying to think through how -- I guess where my head is is, obviously, as a combatant commander, I'm confused as to why he would be communicating with the TNC or somebody else on the background in Libya in order to receive that information. In my mind, I would've thought that it would've had to have come up through the State Department food chain across to the combatant commander. Is that fair?

A The combatant commander staffs and combatant commanders

have extensive relations with countries across the globe. They're expected to follow the policy guidance of the -- broad guidance, as we discussed earlier, of the Department of Defense, and, where appropriate, they're expected to coordinate with the State Department.

So, to your specific question, in this instance -- and, again, without knowledge of what occurred -- in this instance, they could've gained that information and made that decision based on their own direct engagement and through military channels; or they could have received word initially from the State Department, then had direct authorization to have the discussions; or they could have received the request from the transitional national government via the State Department; and, finally, it could have come up through channels and back across. I don't know which of those it was.

Q Yes, sir.

A Any of those is feasible.

Q In a situation like that -- was your office ever engaged in a situation like that? Not that one specifically, but in a scenario like that? Is that Policy? Is that part of your portfolio at all? Would the DASD Africa engage on that or a situation like that?

A So I would get an update on the allocation of our ISR resources with significant changes in a daily report from the Joint Staff, effectively a one-pager with significant changes, and then, typically, a weekly and sometimes as-needed roll-up of changes as well.

So, again, without specific recollection of what occurred in this case, I expect that I saw the report that this had occurred, that this

cessation of ISR coverage had occurred, and that would've been through regular reporting channels of some kind.

Q So you believe that your knowledge would've occurred after the fact, not prior to?

A I believe so.

So there is a process in the Department for allocation of all assets, ultimately -- Secretary of Defense approval. And it is also -- I don't recall it coming up through that process. Then, again, that could have occurred through regular order, as well, and been a request from the combatant commander to stand down his coverage and then staff it. I don't recall which it was.

Q Okay.

Sir, have you ever been to Libya?

A No, I have not.

Q I guess what I want to do is I want to talk about your impression of Libya prior to the attacks. So, obviously, in 2011 you had a different role than you did in 2012, but going through the both of those time periods, talk to me about your impression of Libya. First I want you to talk about Tripoli, and then I want you to talk about Benghazi, please, prior to the attacks -- the security situation, that kind of thing, please.

A Broadly, the situation in Libya, including in Tripoli, was dynamic. There were, to the best of my recollection, periods of time in 2012, prior to September 11th, where it appeared that security in Tripoli was on the threshold of degenerating significantly. There

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were other periods of time where it appeared, in relative terms, stable but with the multiple groups engaged and competing for power of the government and the -- what appeared to me to be a somewhat tenuous hold on both power and security. It was something that was relatively fluid in Tripoli.

My perception of Benghazi, as best I can recall it and looking back through the filter of what occurred, was that there was a period of time where there were militias sorting things out, if you will, with themselves and establishing pecking order of power relationships, and that was a dangerous area. Even relative to Tripoli, it was, in general, a dangerous area unless you were one of those groups that controlled a certain portion of the city in that region.

That's my recollection.

Q Was it your impression at the time that Benghazi was worse off than Tripoli?

A My impression at the time was that the government has less control in Benghazi but that over the -- well, I should say, and that over the period -- over some time in 2012, there was a degree of sorting of the various groups within Benghazi and limited government control, and that in Tripoli there was greater government control but still challenges with militias and still not -- you know, it would not be considered a highly secure environment, to say the least.

Q As the Principal Under Secretary, was Libya on your radar, as the Principal Deputy Under Secretary?

A I was certainly aware of it, but I was not focused on it

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on a day-to-day basis as a responsibility of my job.

Q As the Under Secretary, was Libya on your radar?

A Yes.

Q Why?

A It was on my radar because, in the aftermath of the, first, combined operations and then NATO-led operations that concluded on October 31st, 2011, first, we had an objective to, from my perspective, I should say, pay attention to the question of removing any residual chemical weapons. Because, as you think about the potential for instability, including, potentially, for terrorists to have access, that was a high priority, and that fell within the responsibilities that I had as Principal Deputy Under Secretary.

So working, coordinating with the staff in Policy that did combating-weapons-of-mass-destruction work. They would then work, you know, with the interagency and engage with the OPCW, the Organization for the Prevention of Chemical Weapons. I believe that's a U.N. agency that was ultimately responsible.

So, initially, it was: Let's focus on let's get the chemical weapons, where we can find precursors and so forth, and get it out. And that, ultimately, that part of the operation, in my view, was successful.

Over time, as it became clear that the government was having significant challenges exercising its authority and that militias continued to have a significant role, including in parts of Tripoli and near Tripoli and in Benghazi, then it became a question, first,

[REDACTED]

of being concerned about the aftermath of the conflict and how stability will be put in place in Libya over time and the challenge I mentioned before of wanting to avoid a situation where Libya became a breeding ground for terrorists that could threaten the state, in other words, the transitional government of Libya and its desired transition. That could threaten stability regionally and lives regionally. And, obviously, the concern that this could become, if the territory over time is not controlled, could over time become a safe haven for terrorists.

Those were the national security concerns at the time.

Q Okay.

How did you stay abreast of developments? Was it being pushed up from your staff, or were you just getting a daily read-out from the NMCC or something like that?

A Four principal sources.

One is, as Under Secretary, every morning in which I was in the office and sometimes overseas where it could be arranged, I would be provided the Presidential Daily Brief. And associated with that, which comes from the Office of the Director of National Intelligence, I would get a DIA summary, as well. So a trove of intelligence, generally, to start the morning.

Second, as my staff became aware of events, they would communicate to me. And so it might be via email if it's not time-urgent; it might be someone walking into the office to interrupt a meeting and so forth. But second would be from my staff.

Third is from other sources in both the government and occasionally from my interlocutors overseas.

And, ultimately, fourth, I made a point, as I suspect all of us, to read the papers and, at the time, the Early Bird and so forth, and, you know, occasionally, there would be new information, sometimes correct, in that as well.

Q Did you have a liaison or staffer that worked in the NMCC?

A No.

Q You weren't represented there in any way?

A There was a small group of Policy personnel who were involved in preparation for military support and domestic contingencies -- for example, hurricanes. And so we had several staff that were involved in that office.

And, from my perspective, the NMCC understood that it was to provide updates to me over the course of the day, similar to the Secretary. And I was copied on I'm sure not all but, you know, a good number of intelligence products and operational updates that would come from and include NMCC on a daily basis.

Q And what was the food chain between you and the Secretary?

A A direct report to the Secretary.

Q Okay.

Sir, prior to the establishment of the Embassy in Tripoli, the reestablishment of the Embassy in Tripoli, in the fall of 2011, the fall of 2011 when we reopened in Tripoli, did you participate or were you aware of discussions about what the military footprint would look

like in association with the reestablishment of that embassy?

A I did not participate. I am aware that those discussions took place.

Q What is your understanding of the nature of those discussions?

A I don't have any -- I don't have direct knowledge of the discussions. What I have learned over time I've found from after-the-fact consideration.

Q What have you learned? What was being contemplated? What have you learned was being contemplated prior to -- is that fair?

A So I will be describing what I have read in reports and so forth. And what I've read in reports is that there was a discussion of the appropriate number of personnel, State Department personnel and military personnel, and that options were presented both with respect to mix and level.

And what I've read about how that decision was taken is so derivative of the things that I've read that I don't believe I would add value to reiterate what I've read because it's not firsthand and it's material that you would have available, you know, including from the ARB and from others.

Q Who in DOD would've been the primary negotiators, et cetera, in terms of what a DOD footprint would look like at that State Department facility when it was reestablished?

A I would expect the staff of the combatant commander to be involved. I would expect Marine Corps headquarters in some form to

be involved because of the implications for Marine Security Guards. And I would expect both a Joint Staff representative and an OSD representative to be involved. And most likely it would have been an OSD policy person, because at that time it was not an area which I was overseeing. I say that as a matter of expectation, not as a matter of fact.

Q Sir, have you ever had a conversation -- or did you ever have a conversation with Ambassador Stevens?

A No.

Q For any reason.

A No.

Q Were you involved in any meetings where he was present?

A No, I was not.

Q Okay. Do you know if your staff ever did?

A I don't know.

Q Were you privy to, informed of, or engaged in the discussions between DOD and the Ambassador with regard to whether or not extending the SST mission in Tripoli -- let me back up. Do you appreciate what the SST was?

A I believe that I do, but if you would refresh me, that would be helpful. It's been a while.

Q I'm sorry. So the SST was a Site Security Team of personnel -- DOD uniformed special operators -- that were initially requested by the State Department to provide security for the Embassy.

A Uh-huh.

Q They had limited orders. Those orders were extended a couple of times. However, in the summer of 2012, it's our understanding that the Ambassador elected not to extend those orders, and they reverted back to Title X authority.

A That sounds --

Q Does that help?

A That sounds correct to me.

Q Okay.

A Thank you.

Q Were you ever engaged in that issue at all?

A I was engaged to the extent that I recall being informed that the request for further extension was not being made of the SST. I recall being informed at the time that it was not being made.

Q What was your reaction to that?

A My predominant reaction was that I expect that the Ambassador had good reason to make that choice and that the Ambassador must have felt that the security footprint that he had in place and/or was going to have augmented -- which I did not know where State was in terms of number of personnel at the time -- was adequate.

And I did not know him, but, by reputation, he was someone who was a smart, knowledgeable, experienced person. And I assumed that he was making a decision based on the facts on the ground.

Q And, sir, I apologize, I'm not trying to recite something you said earlier inaccurately, and, obviously, square me away here. But I want to say it was your impression that there was a need to ramp

up or have a more robust presence, especially in order to facilitate support of Libya, things like the 1206/1208 missions.

And with the Ambassador's decision not to extend them, obviously those guys were going to not be allowed to stay. Did that ever enter your mind, that we're going to lose these guys right when we're trying to get this stuff up and running?

A It did not. What I inferred was that the Ambassador had made an informed decision about what was required for embassy security and for security associated with his movements and that we still had an issue about how to effectively engage the armed forces, the what we would like to be ultimately the Libyan armed forces, in ways which they could provide effective CT, counterterrorism, capability and effectively promote stability in the country.

I saw those two as separate issues, understanding that if the Embassy is not a secured platform, then it will likely have implications for what else we do in the country, without a doubt. But based on the inference that a proper decision was being made about embassy security and security of the Ambassador, we still had, even if there had never been an attack, so there was not an issue there, we still would've had challenges associated with 1206, 1208, and so forth in trying to find a pathway to build the capacity of Libyan security forces over time.

Q Is it fair to say that DOD operates -- although not our first choice -- however, still operates in countries without a standing SOFA agreement?

A In some instances, yes.

But it's important to understand, especially as you think about the so-called privileges and immunities aspect of SOFA agreements, as an example, as the United States came down to a question of what force posture we would have in Iraq after we effectively completed our military operations there and as we looked to have a posture that would support the Iraq security forces going forward, the inability to get a SOFA that had privileges and immunities was decisive in not putting forces in larger numbers into Iraq at that time.

And so it's a fundamental consideration. Because if we don't have those privileges and immunities, if there's a situation in which there's violence and in which U.S. forces are implicated in that -- or, I should say, involved -- then our forces would be in a position of potential legal risk, and that is something that we would strive to avoid.

Q Sir, I want to turn now to the events in Benghazi and the attack. Talk to me briefly about September 10th -- where you were, what was going on that day, any pressing concerns or concerns about the security situation in that AOR.

A So, September 10th, I recall having security concerns about a number of locations in the United States as we were coming up to the September 11th anniversary. As I recall, the YouTube video, "The Innocence of Muslims" had been recently -- I want to say September 4th, but recently translated into Arabic, and so forth.

So, as I recall, there were concerns about a number of locations in the Middle East and North Africa. On the short list -- and could

I ask -- I'm uncertain of the classification of what I'm about to say.

Mr. Tolar. We can go up to SCI.

Mr. Hudson. TS/SCI.

Mr. Miller. Okay. So I want to make sure that if there's something classified on this portion --

Mr. Hudson. We are also at ACCM too.

Mr. Miller. Okay.

Very significant concerns about Cairo and our embassy there. There were early indicators of, as I recall, of challenges in Khartoum. And, as I recall, we did an evacuation of nonessential personnel on perhaps September 12th.

Tripoli, specifically, was somewhat on the radar screen. There were concerns in Kabul and Afghanistan about U.S. force security and civilian security, as well, during this time. There were several others, as well.

And so, without a doubt, there was both Department of Defense and interagency -- meaning intelligence, White House, State Department -- concern about potential risks to U.S. personnel overseas at multiple locations. To the best of my recollection, we had no specific intelligence or indicators or warnings with respect to Benghazi. We did have other indicators at the time.

And if you excuse me, I had taken the timeline and I've probably left out -- yeah, of course. Tunis and Sana'a were specifically -- and they're listed on the timeline -- were specifically there. My recollection is that there were a number of others that didn't rise

to the same threat level but that there was significant concern in the Middle East and North Africa.

Q And, prior to the attacks, were you aware of the Temporary Mission Facility located in Benghazi?

A I was not.

Q Prior to the attacks, were you aware of the CIA Annex located in Benghazi?

A I was not.

Q Do you know if your staff was?

A I don't know.

Q Talk to me about September 11th. Where were you when you first learned of the attacks?

A If you don't mind, I'm going to pull out this unclassified timeline.

Q Yeah.

A And I annotated in addition with the time to meet for today with some of that.

So at 4:30 p.m. eastern time, I was in the Secretary of Defense's office. It so happened that the Secretary, Chairman Marty Dempsey, AFRICOM Commander Carter Ham, and I were meeting to discuss Africa.

John Kelly was the senior military assistant at that time. He was in and out of the room. Jeremy Bash was the Special Assistant to the Secretary, and he was, as I recall, largely in the room. And I believe that I had one staff person with me for part of the discussion, but my recollection is imprecise as to whether it was Amanda Dory or

[REDACTED]

Alice Friend, who was her principal director.

So it so happened that there we were with a, as I recall, map of Africa, talking. And Libya was the topic, without a doubt, but there was a lot going on. And the conversation included considerations both of near-term issues, you know, from Nigeria to East Africa and including North Africa as well.

And I would have said right around 4:30 -- the timeline says 4:32 -- within moments, John Kelly, I recall, came briskly through the doorway into the Secretary's office to indicate that there had been reports of something going on in Libya. I don't recall if he specifically said Benghazi at the time, but something big, something substantial going on in Libya.

From my perspective, if you had designed a scenario for the Defense Department to act quickly for a contingency in Libya, having the Secretary, the Chairman, the combatant commander, and the Under Secretary who gives civilian advice on these issues in the room together was about as fortuitous as you could, given, you know, this horrible situation.

Then, Secretary Panetta and General Dempsey had a previously scheduled meeting with the President, and so we took a couple of moments to talk about -- let me back up.

We got, as I recall, a couple of snippets of additional information. My recollection is that General Ham went out to use the phone to, you know, get in touch with his staff to see what else they knew and to try to do the very best to find out what was occurring,

[REDACTED]

what effort, what actions AFRICOM had taken and was contemplating, and then, if there were additional options, to be prepared to present them at that moment for a higher authority to the Chairman and the Secretary and to prepare them to go have that conversation with the President.

And so, suddenly and appropriately, the situation in Libya became issue one for the senior leadership of the Department and for the Secretary and Chairman's meeting with the President of the United States.

Q Prior to the Secretary's departure to the White House, did he issue any guidance to yourself, Carter Ham, or anybody else in DOD? Prior to his departure.

A Secretary Panetta will have a better recollection of this than I do. And my recollection is as follows: One is continue to find out what is going on; provide updates even as the Secretary and the Chairman are in the car. Sometimes they traveled together, sometimes they traveled separately. My recollection is that they were planning to go over it together so they could get the same update. I'm not sure that that's correct, but -- so continue to provide updates.

And I have a recollection of discussion not of specific military oppositions but that military options were being developed. And I don't recall whether the Secretary said, "Develop military options," or whether General Ham said, "We'll be considering military options." It was understood, although in the early moments there was not a lot of information about what was underway, that it would be appropriate to consider military options and to be prepared as much as possible,

based on the information available, to be prepared to present those to the President in order to move rapidly.

Q When the Secretary returned from his meeting with the President, did you attend any meetings with him?

A I saw him briefly. I saw him at around 6 o'clock. The timeline says 6 o'clock; I would have said it was a little bit later than that. And, at that point in time, there was a discussion of response options. And my recollection at that point is that General Ham had been in touch with his team and had developed options, that the Joint Staff had been engaged as well.

And let me just say at this point in the conversation, I had an unusual personal situation, in that my wife had departed that morning to go be with her mother in Ohio for surgery, and I had three kids at home and no coverage. And so, during this point in time, I was looking for additional senior-level people whom I could get involved in this.

The two who I looked to initially were the new Principal Deputy, Under Secretary at that time, Kathleen Hicks. She was unavailable and out of the building and -- I don't recall the details, but unavailable. The second Senate-confirmed official was Michael Sheehan, the Assistant Secretary for SOLIC. He was unavailable. And my recollection, he was overseas, although I'm not sure of that. But both were unavailable.

And so, at this point, I recall asking Jeremy Bash, the Special Assistant who had been in the meeting when this first popped, who was present with the Secretary for all these conversations and, for me,

was a great point of continuity, I asked if he would sit in on the meetings that then followed later that evening as I went home.

As I look back, I recall leaving at 7:30 p.m. to go home. I was supposed to be home at 4 p.m. The house had not been burned down. The kids were okay, although unfed.

And then I attempted to join the secure video teleconference, which I believe started at -- well, it was -- yeah, it started -- I'm not sure the precise one is shown here. But I was unable to, because of the equipment I had at home, which was an old STE phone, was unable to join into the conversation that occurred. And then Jeremy Bash was able to contact me at, I believe, about 9:30 or 9:45 p.m. to catch me up.

I had the capacity to get the classified SIPRNet at home. And so, as I was urging my children on to bed, took that out of the safe and began to catch up, first through the phone call about 9:30, 9:45, and then through SIPRNet as well. And I attempted to track as much as I could through the course of the evening as things were moving, you know, moving forward.

And then I was able to depart -- get my children organized enough. I have an older child who I was able to help with some preparation, advance preparation, was able to leave early in the morning and be there in time for the 7 o'clock, as I recall, SVTC, secure video teleconference, the next morning, 7 o'clock eastern time, by which time, you know, much had occurred.

Q Yes, sir.

When you learned of the attacks, or subsequent, did you issue any guidance to your staff about taskings or anything otherwise?

A So I ensured that I had the most senior available staff person to join Jeremy Bash in the SVTC. That was Alice Friend. My inference is that it was probably Alice, then, in the previous meeting with the Secretary, but I'm unsure of that. I don't have that. But I do recall that Alice then sat in and wrote a summary of that SVTC that I was able to see. And so she was the principal policy person who was engaged at that point in time.

By that time, the Secretary had been presented with options. And so that --

Q By what time?

A By the time I departed, as I recall, of 7:30 p.m., when I left the Pentagon, the Secretary had been presented with the options.

And one set of options was about reinforcement in Tripoli and Benghazi. Those were the two FAST teams. One set of options was about the capabilities required to provide security in a more challenging environment and, if necessary, to have more capacity to fight. That was the Commander's In-extremis Force. And I don't know what the level of this is, but it was deployed in Croatia and then moved to Souda Bay, Crete, as I recall.

Q It went to the ISB in Sigonella and Souda Bay?

A In Sigonella. Okay.

And then, of course, there was the -- and this would be classified -- there was the [REDACTED]

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Q Yes, sir.

A -- contingent. That began to deploy forward to the same ISB, which would have been Sigonella.

Q This question informs to my lack of understanding about DOD and how complicated y'all are, but why is the Under Secretary of Policy relevant at this point in this issue? I mean, for all intents and purposes, is your input required for anything really? I mean, we're talking about executing now. Why do you need to engage or whatever?

A It's a good question. My perspective on that is twofold. One is that the Secretary needs the best military advice that he or she can get, and that is going to come from and through the Chairman of the Joints Chief of Staff.

I also believe that the Secretary should have a civilian who is responsible not for providing military advice but for providing the political-military context, for being aware in instances where it's important to have a sense of what our allies and partners may be capable of doing. This was not pertinent in this case -- you know, we're going in and so forth -- and to be prepared to speak to the broader and longer-term political-military implications.

The reality is, in our system, on that role, because the Vice Chairman is a participant in the deputies process, along with the Under Secretary for Policy, each one of them will have views on the other's predominant area, if you will. I would have views on military operations; the Vice Chairman would have views on broader policy

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issues. And so to be able to have a different perspective, while in no way attempting to provide military advice to the Secretary, I think is an important role of the Under Secretary of Defense.

And at the foundation of that is the congressionally mandated role of the Under Secretary to develop -- in support of the Secretary, to develop the written policy guidance for war plans and then to conduct reviews in support of the Secretary of those plans. That provides a foundation.

So I know I've gone on for a bit, but point one is civilian advice, broad political-military context, and so on.

And, second, the implementation of not the military operations but of the engagement in country and in region, while it is the combatant commander's responsibility to do that and to be in liaison with the Embassy and so on, the Under Secretary for Policy has a role in those engagements. So, as an example, it would be typically a policy team that would be involved in negotiating SOFAs. It would be a policy team that, at the higher level, would work in the interagency process to set those broad parameters.

And so, both because of the role of a civilian adviser and because of the desire to have a broader context, I provide that broader context to the Secretary. The Under Secretary for Policy has generally been involved in these types of discussions.

Q Recognizing this was an in-extremis situation, what were the policy issues being contemplated that night?

A Relative to the high-level strategy that we've talked

about, there were none. The policy issue was how do we get forces in place to protect U.S. personnel and interests. So those are fundamentally questions of force availability and military deployment timelines.

And, ultimately, there is absolute clarity in my mind and, I believe, in others' minds that there were not broad policy strategy on other issues. We had Americans at risk, and we wanted to get forces there to support those Americans and American interests rapidly. That was --

Q We had no SOFA in place. Was that an issue?

A It was not to me.

Q Okay.

A To me, I viewed it as analogous to a rescue, a hostage rescue, or a CT operation or others in which, when U.S. lives are at stake, then the U.S. will, needs to, take the actions necessary to move responsibly, take the actions necessary to protect those lives.

Q Does your office have any role in terms of country clearance issues?

A State Department is the lead for that, and I would expect my staff to be aware of those issues and to highlight them.

Q Does the Defense attache have any kind of dotted line to you and your -- per se?

A No.

Q Okay.

A It would be typical practice for the Deputy Assistant

Secretary and staff to be in touch with the Defense attache and team. But it's a coordination, not an official reporting relationship.

Q So that night, outside of your meetings with the Secretary, General Ham, et cetera, did you have any other conversations with General Ham?

A I did not.

Q Did you have any other conversations with Admiral Tidd?

A I recall classified emails from Admiral Tidd. In some instances, I historically have had questions and so forth. In this context, I don't recall going back and forth with him as the J3 or others.

My recollection is that he and Admiral Winnefeld and others on the Joint Staff were very attentive and were looking to push the timelines as hard as they could to be able to go forward with the deployment of these forces and, once postured, to be able to deploy them.

Q So it sounds like you're saying basically you're in receive mode of those Admiral Tidd emails, but y'all didn't engage one-on-one, per se.

A That is my best recollection.

Q How about Jeremy Bash? How often did -- obviously, he was kind of --

A So I recall that, from the time -- at roughly 4:35 eastern, when General Kelly came in and informed us that something was going on, that I was in near-continuous -- that's too strong -- I was in

repeated conversations with Jeremy Bash up to the time I departed at 7:30 p.m. on the 11th and that we then talked again, I recall, over the STE sometime after 9:30, perhaps 9:45.

And then I expect I was on emails that he was also on, as we were synching up and trying to inform, from my perspective, informing my staff both in Africa Affairs and ISA and those in SOLIC and Counterterrorism what's going on so that they will be able prepared to come in early and get spun up and, if there are issues where there are any policy hurdles that would arise to getting this moving forward, that they would be prepared to highlight them and address and, you know, elevate them immediately.

Q And is it fair to say that Jeremy Bash was your primary point of contact that evening for information?

A That evening, verbally, yep, that's true. And I recall receiving a lengthy email from Alice Friend, a classified email, summarizing the outcome of that SVTC that would've been occurring -- it may have started moments before I left, but it was to occur for a period of time after I departed. So an extensive readout from Alice Friend and then intelligence reports, updates on orders being provided, and so forth.

But it's correct to say that for the bulk of, you know, that evening, I was being as attentive as possible. But, as you noted, there were not policy, strategy, indeed broader-implication issues. This was about Americans at risk. And although there were logistical challenges and country clearance issues and so forth, this is one where

I had zero inclination to make queries about the appropriateness of posturing of forces and preparing the FAST for Benghazi and Tripoli and for preparing the CIF and [REDACTED]

Q What is your understanding of the logistical issues and clearance challenges that night?

A The logistical issues were the tyranny of distance and time, first and foremost. So moving an asset [REDACTED] moving the FAST team, getting it prepared to deploy -- the FAST teams, I should say, both from Rota -- and then the EUCOM commander's incident response force.

So there is, first, the distance to be traveled, the fact that it takes time. Second, they need time to spin up. And I later became deeply familiar with the various postures and so forth, but it is challenging to sustain a very short timeline for an extended period of time. And so each of the individual units we're talking about had a specific timeline for readiness. My impression was they were all working to shorten that timeline and to get prepared and to deploy even more rapidly than their timelines. But that I would consider a matter of logistics as well.

And then on country clearance, I recall that there was a question of what we had country clearance for for various aircraft. And my recollection is that that did not appear as a binding constraint, because we moved the forces on the timelines as fast as we could, and we moved them in, you know, ultimately -- let me confirm -- a C-17 from Ramstein that comes in, as well -- that these forces were moving, they

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were doing what they could do based on the constraints of time and space and their prior readiness and how quickly they could accelerate all that.

And I recall the question of country clearance coming up, but I don't recall it ever impeding the movement forward of forces or the movement of forces into country to conduct the missions that they did.

Mr. Tolar. Let's go off the record, please.

[Recess.]

Mr. Tolar. Sir, we're back on the record.

BY MR. TOLAR:

Q Let's go back, sir, real quick to the SVTC. What is your understanding of the intent of the SVTC that night at 7:30 or whenever it started?

A The intent was to ensure appropriate communication within the Department of Defense.

And my recollection is that there was, in addition, an interagency SVTC that would have involved the White House staff to ensure appropriate coordination across the government and to provide information.

So a typical secure video teleconference on any operational issue will start with and, in many cases, have a substantial amount of time being associated with providing updated intelligence and whatever information is available. And so I expect that that was, in this instance, at the front end and continuing.

And then the Secretary had, prior to the interagency SVTC, given

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direction, given VOCO, verbal direction, for the movement of forces, and to confirm that with both the senior White House staff and to inform the State Department of that and to ensure that the people on the ground in Libya were cognizant of the forces that were being flown.

Q And the Secretary has previously indicated to us, this committee, that his guidance was to deploy that, right?

A Yes.

Q Is the term "deploy" a term of art in DOD, or does it mean what it sounds like it means on its face?

A I believe it has a plain meaning, to move from one location to another. And then we had forces that would move to an intermediate staging base to prepare to deploy into Libya.

Q Once the Secretary -- obviously, the Secretary has indicated that he gave that order to deploy prior to the SVTC.

A Uh-huh.

Q I think you had just indicated that it's your understanding that the intent of that SVTC was to inform --

A Yes.

Q -- of the Secretary's intent to deploy. Is that accurate?

A Yes. Well, that -- so intelligence update, flowing that information about the Secretary's decisions to the State Department and then onward rapidly to the Embassy and so forth. And it is standard practice to attempt to use multiple coordinated channels, if you will. So I expect that AFRICOM was on that SVTC and that they would be also working with the -- their team would be working with the Embassy as

well.

So it's making sure that everyone understands -- everyone who has a need to know -- understands what the decision is and also how the situation is evolving on the ground so that adjustments can be made. Understand that the SVTC -- there will be time slices where these meetings occur and, therefore, the front end, typically, in intel and, in this instance, ops update, operations update.

Q In terms of that SVTC, though, there are not really decisions made, per se, with regard to the deployment of DOD assets, is there? That's already been done, correct?

A It was already done by the Secretary.

Q Do you have an understanding as to whether or not the Secretary needs any additional authority at that point?

A He does not.

Q And why do you say that?

A The chain of command runs from the President to the Secretary of Defense to the combatant commander. So the President could direct the Secretary to either do or not do something, and the Secretary would either implement that order or presumably resign, in a hypothetical. But the chain of command is clear. And there's no one with whom I've worked at senior levels of government who doesn't understand that chain of command.

Q When the Secretary returned from his meeting with the President, did he share with you, y'all, in that meeting what the President's guidance was, more or less?

A Very swiftly, he made clear that he was giving verbal authorization for the movement of the two FAST teams, for the CIF, and for [REDACTED]

I don't recall the extent to which -- I don't recall whether he said, Mr. President, I recommend X, Y, and Z, and the President said, yes, of course; or whether the President said, just get the forces moving, and the Secretary said, here's how we're thinking about doing it. I wasn't in that conversation.

Q Sure.

A But I can say that, as that timing lapsed from the initial information at around 4:35 to, say, 6 -- my best estimate would be in the range of 6 o'clock or so, 6:15 perhaps, as the Secretary comes back -- and my office was just down the hall, and so I would have walked down to meet him. At that point in time, my recollection is that sometime in that 6 o'clock, 6:30, sometime in that timeframe, the Secretary gave verbal authorization.

Q Were you in the meeting when he did that?

A I was in the meeting when he confirmed it. I don't know -- it may have occurred earlier. In other words, as he was driving back from the White House. It may have occurred earlier than that. But it was reaffirmed by that time, by that timeframe.

Q And --

A Either given or reaffirmed in that timeframe.

Q Yes, sir.

In that followup meeting after he came back, you were in a meeting with the Secretary.

A Yes.

Q Was General Ham there?

A I'm not confident that General Ham was there. We were -- General Ham was on the phone, as I recall.

Q Sure.

A He may have gone down to the AFRICOM liaison office. And my best recollection of it is that it was a conversation that was almost, not in movement, but that was -- as soon as we got him to the secured area of the Secretary's office, happened quickly and, you know, got a quick summary. And, again, my recollection is that the Chairman was there for that conversation as well.

And then the orders -- it took some time to convey the formal orders, but, in the meantime, I have every confidence and expectation that people on the phone and from, for example, the Joint Staff to the combatant command, that people were working to say, "We have VOCO. We have verbal orders. Begin to make this happen now." Everyone involved, I am confident, understood the time urgency of transmitting orders and beginning deployment.

Q Is there any chance that somebody didn't understand that? I mean, was the Secretary clear?

A I believe so, yes.

Q Okay.

And, again, once the Secretary gave that order, did any of the

[REDACTED]

COCOMs need any additional authority to execute their mission, per se?

Is that a "yes" or "no"?

A They did not need any additional authority to execute the order.

Q So SOCOM could move [REDACTED] to Europe, as directed, without any additional authority, correct?

[REDACTED]

[12:32 p.m.]

BY MR. TOLAR:

Q I mean --

A SOCOM --

Q I assume they owned [REDACTED]

A SOCOM with coordination with lift and so forth can move the force, and then what has to be done is to ensure that the country of the intermediate staging base is prepared to receive it. But there's nothing that should slow the force in preparing to deploy and to deploying, and the clearance could come when it's in the air, and if for some reason had not come, then the force could have been diverted to another location, there would have been a scramble. So there's no --

Q Yes, sir. My point though, is -- sir, I apologize. My point, though, is SOCOM, EUCOM, AFRICOM, none of them needed any other guidance or approval from the Secretary to execute their missions. Is that fair? Is that accurate?

A None of them needed any further authority to execute the Secretary's order to deploy.

Q Correct.

A Yes.

Q Okay.

A If you know of something --

Q No, no, I don't. That's -- I'm trying to --

A Yeah.

Q And then I guess in terms of moving from -- into Libya itself, the movement into Libya, would that require any kind of additional approval from the Secretary, or is that inherent in his order to deploy?

A The initial order was to deploy to forward basing in order to be able to then refuel if necessary, prepare to any additional degree necessary, which can largely be done in flight for these forces, to the extent that they weren't already as they got on the plane, and then to deploy into Libya.

Now, the fact that the situation had changed in Benghazi, so the FAST platoon, one did go into Tripoli but the other did not go into Benghazi, the order could have come in one of two ways, and it's a technical difference that in this instance and in any other instance has no operational impact, one form of the order says deploy to the intermediate staging base and prepare to deploy into Libya, and that additional authorization will be given prior to deployment into Libya; a second says deploy to the intermediate staging base and proceed to Libya unless given direction not to do so.

I don't know which of those -- I don't recall which of those was in the order, but in any event, it's well understood that no time should elapse awaiting. In other words, if the form was to go to the ISB, go to the intermediate staging base and then get additional authority, it's incumbent on the commander to request that authority well in advance of when the force would be prepared to then deploy into Libya, and it's incumbent on the Secretary of Defense and the team supporting

him to ensure that he makes a timely decision so that there's not additional time added to the timeline.

Q Sir, do you recall when you became -- first became aware that the Ambassador had passed?

A I believe it was when I came into the office for my intelligence briefing in the morning, and that would have been at about 5:30 or 5:45 in the morning. I don't recall how certain that assessment was in the intelligence channels at that time, but my recollection is that -- my best recollection is that at that time, 5:30 eastern time or so, 5:30, 5:45 eastern time, that it was known that the Ambassador had died and I believe it was known that Sean Smith, Tyrone Woods, and Glen Doherty had died as well at that time. And there were others who required medical attention, and there were questions, obviously, as they were being moved about what their status was.

Q Sir, do you know who Pastor Jones is down in Florida?

A I know the name and I know of his inflammatory sermons in support of this -- of the YouTube video that we mentioned earlier.

Q Do you know if the Secretary spoke with Pastor Jones on the 11th or 12th?

A My recollection is that he did, and I don't recall whether it was the 11th or 12th. I have a fairly firm recollection that he did.

Q What was the nature of that conversation? Were you briefed prior or subsequently about that?

A Prior and subsequently.

Q Okay.

A I did not sit in on this conversation, but the preparation for it would have involved my staff and myself, and the read-out from it would have come also back to my staff in a limited number. And the gist of that conversation was that -- was first to ensure that Pastor Jones understood that what he was doing was putting American -- in our judgment, the Secretary's judgment, putting American lives at risk. And, again, my recollection was that he requested that the pastor cease and desist, stop his inflammatory rhetoric.

And as I said, I don't believe that -- well, I'm confident that was not the only time that a Secretary of Defense called Pastor Jones, and I'm quite confident that Secretary Panetta did on the 11th or 12th and that that was the gist of the message.

Q So would your staff prepare talking points per se for the Secretary for the phone call? Is that what you would do?

A Typically, yes. For Secretary Panetta generally while one would write talking points, the prep would be a quick conversation.

Q Okay.

A And I expect -- I was not in the conversation, but it's typical for someone to listen and take notes.

Q You secured about 7:30 that night, you're in about 5:30 the next morning. At some point were you tracking the movement of the FAST team? Did you have your -- was that on your radar at all?

A I had knowledge by reporting from the NMCC, the National Military Command Center.

Q Okay. Were you aware that once the aircraft arrived in Rota, Spain, and the FAST team boarded, the FAST team was on that plane for about 3 hours, and during that time they were receiving guidance to take off their uniforms, put on civies, take off their civies, put on uniforms? Were you aware of that issue?

A I was not aware of it in realtime --

Q Okay.

A -- but I was made aware of it afterwards.

Q What is your understanding of that issue?

A My understanding of the issue was that because a FAST team is intended to reinforce a position, but is not intended to fight its way into a position, that there were discussions about what low profile way to get the FAST team in as soon as possible would be -- that would not have a significant -- or would have a relatively low probability of getting them engaged in a firefight so that they would be forced to fight their way in. They're capable and -- as individuals and as a unit, but they don't have the heavier weapons of other forces that would be advantageous for that.

So how do you get them in place, get them at the -- get them, in this instance, in Tripoli in the embassy and get them in so that they can provide that supporting position for defensive collection of intelligence, for security, site and personal security, if necessary, for fires, but from a defensive position rather than fighting their way in. That was how it was explained.

Q Do you know if your staff engaged on that issue at all?

Would that be an issue that would fall under your umbrella per se?

Two different questions. I'm sorry. I didn't mean to --

A I don't know that my staff was involved in any way, and I -- as I said, I was not.

At the point at which the State Department and the Defense Department are having a conversation about the nature of the employment of U.S. military forces and the posture that they take and how that relates to our national security, then I -- it is a topic in which I would certainly take an interest.

And let me say that from my perspective, as long as it is legal, right, so there's a legal consideration of whether forces need to have a uniform in certain rules, but as long as it is legal, if putting them in civilian clothing will allow them to have a -- and it was adjudged to be legal. If putting them in civilian clothing gets them into the -- gets them in to help protect Americans, if it's legal and it's a safer way to do it, then -- then I think it's a sensible decision.

Q Sir, do you know who Ambassador Tony Holmes is? He was the vice commander of AFRICOM. Does that ring a bell?

A Yes. Maybe the title was vice commander. I never saw -- Mr. Hudson. Mac, I believe his title was deputy.

Mr. Tolar. I apologize.

Mr. Miller. Okay.

Mr. Hudson. And I don't believe we used the word Commander for him.

Mr. Miller. I would never use the word commander for a

non-military person.

BY MR. TOLAR:

Q He's the number -- he's the co-number two guy at AFRICOM.

Does that make sense?

A Yes.

Q Did you ever have any interaction with Ambassador Holmes?

A I did not.

Q Let's go back real quick talking about when you first learned of the attacks in Benghazi and you learned about a TMF and the Annex. Were you surprised to learn that we had facilities there in Benghazi, or what was your impression?

A No. I was not surprised, and -- I was not surprised by either. And it particularly made sense to me that the CIA would have a quiet location in the vicinity of Benghazi. I didn't --

Q How about --

A It didn't strike me as unusual that the State Department did, and it's not at all an unusual arrangement for that to occur.

Q Talk to me briefly about the new normal and the implementation thereof. Obviously we know where we were before, but talk to me about where we were subsequently up until your departure --

A Sure.

Q -- and kind what has been implemented from a policy perspective.

A Sure. So the Department and indeed an interagency review process looked at this event and looked at a number of what ifs, and

[REDACTED]

what ifs include what if something had happened in another location that night, what if it had been deeper into one of our embassies in Africa and more in Central Africa as opposed to toward the north where the tyranny of distance is even greater. And so a comprehensive review was undertaken. In fact, several reviews were undertaken in parallel and then brought together.

The State Department was asked to assess which were its embassies at highest risk. My recollection is that they identified [REDACTED] [REDACTED] and it may be classified, but they identified a number of others that were at significant risk as well.

On parallel, the Marine Corps and ultimately with others in the Department engaged, looked at what would be involved in increasing the Marine Security Guard posture, not just at those [REDACTED] but in other locations as well. And it comes to consideration of physical risk, it comes to, for the Marine Corps, where are these forces going to come from and what will we either not do or do we get a plus-up of several thousand to accomplish this.

And then also in parallel there was an extensive look at whether a combination of additional forward basing of U.S. military forces and then positioning of logistical support and coordinated intelligence and threat-driven change in posture from a day-to-day posture, if you will, where a force might have a 4 or 6-hour timeline to being able to move that to N+2, meaning, you know, 2 hours to prepare, in some instances to N+1, and that review was undertaken as well.

And in broad terms, as one looks at the continent of Africa and

[REDACTED]

considers the Middle East and so forth, it became clear to me, and I believe to most, if not all others, that the first priority needed to be to reinforce and assure the security position in situ, at the embassies and at the consulates and at the other locations, that there are situations in which even the movement within country could take a substantial amount of time from a --

And that, therefore, that the first priority from a best risk reduction for early steps and investment of resources was to look at the State Department posture and to look at the Defense Department support to that embassy, consulate posture through Marine Security Guards, and then in some instances through, by exception, Special Forces being prepared to go in or have an enhanced footprint as well.

So that basic understanding, that focusing on site and personnel security and then security of movement of personnel and ensuring security of new locations was important.

A second aspect of it, and which was embedded under the posture that I mentioned for the Department of Defense, was looking at the locations and preapproved authorities for the employment of ISR assets, including for potentially armed -- the employment of armed ISR assets. So that was part of that review process as well.

And we were seeking to shorten timelines in the event that a scenario arose where there was sufficient intelligence to get a Predator or Reaper in position with Hellfire or other munitions to be able to provide support.

And then, finally, there was an extended assessment of whether

[REDACTED]

the United States should add additional posture in Africa, whether we should seek to build additional runways as intermediate staging bases. If you think about it, if something were to occur toward the center of Africa or in some locations, questions of what the Navy and then what the Marine Corps forces could cover, and what the timelines were for those. And were we prepared to have an LST or have a ship basically posted for sustained period of time, was that a smart use of an asset, or what mix of forces made sense.

And this was something in which my staff was involved, Joint Staff, combatant commander for -- and staff for AFRICOM. And ultimately over time, we developed and refined options, and there was a team effort, and over time presented some options to the Secretary for his decision, and then for those that would have required negotiating new arrangements for host nation support, brought those into an interagency discussion.

Q At the time you left DOD in January of 2014, had the new normal been fully implemented to the best of your knowledge?

A It had not been fully implemented. There had been a number of steps. At the time I departed, there was still consideration of whether we should have [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And so that -- you know, a number of steps were taken, and in general the posturing of forces in the Mediterranean and the processes to bring them to shorter timelines to be able to respond and the authorities to employ those forces, including out of Sigonella, without any further consultation with the host nation, those were accomplished, and there were residual questions about basing.

And this was occurring at a point in time when the Army had made a recommendation, ultimately a decision approved by the Secretary, to have a brigade combat team, a regionally aligned brigade combat teams in general, and the first one was to go into Africa, and not all at once, but in elements.

The Marines had looked at their existing posture and were looking in places where, as part of building partner capacity and being available for response forces, they could enhance it, including through having vehicles and pre-pull, and SOCOM and the Special Forces were also looking at their posture. And so each of these was -- for Marines, for Army, for SOCOM, each of them involved the Department or the -- for SOCOM the command, each of them also was coordinated, and the objective was to allocate our resources in terms of dollars and people and equipment on the ground in ways that significantly reduced the risk, but also did so at acceptable cost. And because this was a time when sequestration also was kicking in and a lot was going on in the world, there was great consciousness to make smart choices and to allocate resources as intelligently as possible.

Q As the undersecretary, did you ever propose or implement

any type of red team training scenarios or drills or whatnot for folks to prepare for in extremis-type responses by DOD, things of that nature? Does that make sense?

A Yes. And I should have mentioned this as one of the elements of the new normal as well. There was much more intensive interagency scrutiny, meaning DOD and White House eyes on, to preparations of various State Department posts to do, whether it was a noncombatant evacuation operation of nonessentials or of all personnel, whether it was reinforcement. And I was a part of conversations that, in addition to the intelligence-based threat profile, which was the standard, that encouraged the what if, what if it comes from a different quarter, how are you prepared.

And then a number of individuals, most important including military personnel in country and including in the combatant command and Joint Staff, who were extremely smart on operations, got down to details and would be asking questions such as, how does the helicopter get in to this location? You said it's this parking lot, but it looks like there's parking meters or light posts or whatnot. So it got down to a tactical level.

It was not my job nor my proficiency to give direction or advice on the operational details, but I was part of the conversation and certainly encouraged a hard thinking about how it would really be done in the real world and at night, in the rain, you know, with uncertain security around the perimeter, and other variables like that.

And I believe it's something that our military paid very

significant attention to, and I believe, of course, the State Department did as well and was accountable to reporting through the NSC process. And the President was kept apprised, and not about the individual instances of light poles or parking meters, but apprised about the status in various locations.

Q When you left DOD, was it your opinion that they were doing enough of this red team-type planning?

A My opinion was that the Department and the State -- the Department of Defense and the State Department were doing far more than is typical, and the intelligence community where red teaming is -- you know, is essentially a function, an alternative analysis, was also looking at alternative threat scenarios and so forth.

I'm a long-standing advocate of red teaming. I spent part of my time out of government in the private sector overseeing a group called the Defense Adaptive Red Team, and so I'm reluctant to say that there was enough. There was a lot. And there's a clear -- there was a strong demand signal for significant red teaming.

And the balance is to ensure that the system doesn't look at so many various cases that they neglect to focus on the most likely and most dangerous. And I think that -- I believe that our military planning process and our military personnel involved in this did an appropriate level of red teaming, and I was supportive and encouraging of it.

Q You've mentioned cyber and technology several times today. Is it fair to say you've got a pretty good understanding of DOD cyber

issues and technology issues?

A For a non-computer scientist, I believe I have a pretty good understanding.

Q Given that, given your experience, what do you see as the biggest challenges to DOD and their ability to respond to an extremis-type scenarios with regard to technology and cyber and things of that nature? Where are the challenges that we face now with that regard, especially with regard to responding to Benghazi-type scenarios?

A Well, to me, the first order challenge of responding, to that type of scenario, is what we talked about earlier, which is getting the system that has indicators and warning, and that is predisposed to enhancing the posture from whatever prior level it is based on uncertain warning.

Second is to have those forces postured in a way that in the vast majority of cases, of reasonable cases that can be considered, that they will have appropriate and effective response timelines, and that includes their day-to-day as well as the dial up and down based on indicators of warning and also based on, from my perspective, important dates. And that certainly is something that I would take away -- you know, we were always cognizant that September 11th was a date that terrorists and other ne'er-do-wells might find appealing.

And then I'm guessing that your question relates to the potential challenges of both gaining entry into a country in an environment that might be contested with electronic warfare and the challenges of

appropriately communicating in that environment, and that could involve, with the more sophisticated adversaries, cyber attacks.

It is a relevant issue. At the same time, I believe strongly that the force that is going to be employed in a scenario like that needs to have broad mission orders so that it understands what its objectives are, what its rules of engagement are, and that it should not be dependent on extensive communications in order to -- once it's given its direction, that even if it suffers from jamming or mission failure, or cyber attack, that that needs to be -- that the force needs to be given a form of guidance that allows it to execute its orders with high efficiency even in that context.

At this point in time, the terrorist actors around the world are not the most capable cyber actors, but they're working on it. So it's a fair question.

Q Sir, one of the questions that we keep trying to flesh out, understand, and one that's being posed to this committee by folks outside the committee, is the impression that it took DOD a long time to respond to the events in Benghazi, that perhaps DOD didn't have a sense of urgency, and that is, the argument is buttressed by the fact that the CIF, the Commanders in Extremis Force, sat on a tarmac for 9 hours waiting on their lift, it's buttressed by the fact that the FAST team sat on the tarmac for 6 hours waiting for their lift.

Can you provide any insight or explanation or understanding of kind of -- that we can help better understand this question being posed?

A My personal view is that the decisionmaking process to

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deploy forces into intermediate staging bases and to have them prepare to deploy into Libya was timely; and that when you have first notification at 4:32 or 4:35 p.m., whenever it was, in the Secretary's office and you have him giving orders to move forces within a couple of hours of that, that's timely decisionmaking in an uncertain environment. The combatant commander also had preexisting authorities to move forces, including ISR.

If the question is, were our forces optimally postured for rapid response to this type of scenario, the answer, in my judgment, is no. And part of the new normal discussion was how do we ensure that if we've got a force on ██████████ timeline, that its lift is really going to be ready and that those dots are connected.

So it's a -- as you know well, there are extensive demands on U.S. military forces both in terms for many of the forces, which the general purpose forces, what they may be doing and even for specialized forces, like a FAST team, where they may be going. And so there is inherently a degree of uncertainty associated with the precise scenario that will arise, and therefore what the optimal location and allocation of forces is, but I would concur that in any event, when you have a force that you want to be able to move within X number of hours, that you need not just the force ready, but you need the lift ready and you need their -- in general. I don't believe we've generally had any issues with equipment. And I think that's a lesson from this experience that the Department has applied.

Now, if you were to go further and say, well, what would have

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happened if there had been better alignment, there's no way to get these forces even on short timelines with their lift ready, there's no way to get them even from the ISBs into Benghazi in the timelines that we're talking about even if they'd been at N+2. There was 2 hours.

Approximately, the incident starts at 3:42 and the surviving Americans have departed the facility for the first attack. It's less than 2 hours. And there's no way to have your forces available to go multiple potential places on that kind of timeline. You've got to have more force in place, you've got to have -- ensure that you have adequate protection at the embassy, at the facility, and in movement.

So, yes, I think it is a lesson to ensure the synchronization of various elements of the force, but I do not believe it would have affected the outcome in this instance.

Q Looking back on the attacks and the subsequent implementation of the new normal, in addition to the new normal, are there any specific policy directives that came out of that or that you believe should have come out of that?

A We've talked about the posturing of forces, in both additional forces, in the North Africa-Mediterranean region, Rota, Sigonella in particular, the synchronization of the timelines and the rehearsals associated with that and to have reporting to senior leaders so that they understand, we're changing posture, here's the posture, today it's [REDACTED] and then indicators and warning. All of those, I think, are good steps.

The area that we've attempted to move -- the Department, I should

say, attempted to move forward on, and is a continuing challenge, is in the work to build partner capacity, and that certainly includes within Libya and includes across a number of countries in the Middle East and North Africa, and elsewhere, for that matter.

And the work to continue to build the capacity of those forces and to ensure that one of our first priorities in building the capacity is that they will be prepared to assist Americans if necessary, that we'll have the confidence and the communications with them, with trusted forces, is something that we began to implement. I think that it was an important lesson.

For all of the challenges of building partner capacity, and you'll see it in Iraq and Afghanistan and you'll see it in Yemen and so forth, one of the, to me, key lessons was, yes, we want to do this for their capacity to provide stability, for their capacity to do counterterrorism, but we also need to be confident that we, in the event that we -- that in instances where we have any reliance on host nation forces for security of our people, that we've really given a hard scrub to their preparedness and that it is a smart use of our resources to expect that if we're improving their capacity, that there would be an understanding with the government that they'll be on their toes to both pass intelligence and provide support.

Mr. Tolar. Thank you. Let's go off the record.

[Recess.]

Mr. Kenny. The time is 1:15.

EXAMINATION

BY MR. KENNY:

Q Dr. Miller, again, thank you. Welcome.

A Thank you.

Q Again, on behalf of the select committee minority, I'd like to thank you again for appearing here voluntarily today.

I'll take a moment just to reintroduce myself. My name's Peter Kenny. I'm counsel with the minority staff.

And in speaking with you at the end of the session today, I just wanted to let you know that in deferring our initial rounds to our majority counterparts, I didn't want you to think that we were in any way less interested in what you had to say. We did this out of respect for your time and in order to streamline questions and allow the majority to exhaust their questions of you today.

A Thank you. I understand.

Q You covered a lot of ground in the previous three rounds, so I'm going to jump from topic to topic. If at any point I lose you, please just let me know. I'd be happy to stop and retrace our steps.

We'll begin and, I think, move sequentially with some of the topics that we've covered, so I'm going to start at kind of the beginning of the day --

A Okay.

Q -- where you were explaining for us your role as the undersecretary and your responsibilities in that position, some of which are defined by statute. And I just wanted to ask a few clarifying questions about --

A Go ahead.

Q -- your role, and the first is, did you have any operational role within the Department?

A I did not have any direct operational role. I was not in the chain of command. I had a role of advising the Secretary on operational issues.

Q Okay. Thank you. That's a helpful distinction.

And just real briefly, sir, we've had the opportunity to review the record from when you were nominated and ultimately confirmed in your position. At the time that you were confirmed, can you just discuss briefly for us some of the major challenges and the priorities that were confronting you in that position on a global --

A Sure.

Q -- stage?

A Sure. At the time that I was confirmed in 2012, we were in the process of implementing the so-called rebalance to the Asia Pacific, and China was a concern and the status of our force posture and alliances and partnerships in the region were a concern. Within that region, North Korea was a concern, as it has been for decades and continues to be. The question of specifically East China Sea and South China Sea, although not as much in the news as they are today, were both important issues at that point in time.

In the Middle East, the question of Iran was very much in mind, and ensuring the preparation of our military forces and their planning to conduct military operations against Iran if necessary was something

that was very much of concern. And as I believe Secretary Panetta said publicly, we were at that time, and through my time remained well postured in the event that that was necessary to prevent them from achieving a nuclear capability.

We were in the process -- stay within the Middle East for a moment -- still of establishing a much smaller posture in Iraq, and, of course, had concerns about the stability and security of shipping in the gulf region and of the status of our relationship there. Syria was a significant issue and a growing issue over the course of 2012. And, of course, the phenomenon of the Arab Spring and so forth, during my early time as undersecretary made that entire region, Middle East, North Africa, of significant concern.

In Europe, the future of NATO was continually under assessment and review and so forth. And in the follow-on to the -- to Unified Protector, you were headed into another NATO summit, and the question was where will NATO go in the future. Before too long, Russian President Vladimir Putin gave that a degree of clarity as, you know -- the true clarity came after I departed in the spring of 2014 when they went into Ukraine and into Crimea.

And obviously important issues in the Western Hemisphere as well. And then a raft of global issues, including counterterrorism globally; including cyber; including our space posture, which has gotten more recent public attention over the last couple of years; our nuclear posture; our missile defense posture, including the movement forward with the European phase adaptive approach in -- now in first site

Romania, second site Poland, where we just did groundbreaking -- the United States just did groundbreaking; and, of course, at the core of the Defense Department's responsibilities, ensuring preparation for homeland defense, including national missile defense and response to domestic emergencies.

That's perhaps a short version, but it's --

Q In a nutshell.

A -- it gives you a sense.

Q And tell us -- certainly that sounds like a wide range of challenges and opportunities that you confronted in your position. This would be during the 2012 timeframe. Would that be fair?

A Yes. Yes. And I should add in addition, we had -- the Department had just completed a Defense Strategic Guidance signed off by Secretary Panetta and approved by the President, so-called DSG, in January of 2012. That involved an adjustment of our strategy to account for the fact that we were in -- it was clear that we had inadequate resources to implement the strategy, the defense strategy that had been promulgated in the Quadrennial Defense Review.

And so the Department made adjustments to the defense strategy, including to have the objective to defeat one adversary and in parallel be able to deny or impose cost on the second, as opposed to having two defeats. And so during that timeframe, also working through the changes to both contingency planning and resource planning that were associated with that and other moves.

Q And we thank you for that, sir.

Our committee, unlike some other committees in Congress, is limited to the review of the tragedy that unfolded on the night of September 11th and 12th in Benghazi, Libya, and so it is helpful to understand some of the global contexts of events that were occurring, and you were asked --

A Yes.

Q -- about events during that period, so thank you for that.

I'd like to move now into a discussion at the beginning of the day about the Accountability Review Board and your understanding of that process. As I understand your testimony today, it sounded like you had at some point in time read the report. Is that accurate?

A Yes.

Q Okay. Do you recall about when you read the report?

A I first read the report within -- certainly within a few days after it was released.

Q Okay. And at the time, did you find, or did you have an opinion that the findings of the Accountability Review Board were accurate, based on your knowledge of events at that time?

A Based on my knowledge, I did find it accurate.

Q Okay. And you had opined earlier that you believed the ARB had reached a reasonable judgment, in your words, with respect to the military's response on the night of the attacks, and you cited time and distance factors.

A Yes.

Q Do you recall that?

[REDACTED]

A Yes.

Q And I believe throughout the day you've explained what that means for us, and we've also heard those factors, those limitations described by many other witnesses.

Did you have an opinion as to some of the other conclusions that you recall that the ARB made with respect to the adequacy of security at the facility?

A The two observations that the ARB made that I had the most direct insight into were, first, that there were no indicators and warnings specific to Benghazi. There were specific indicators and warnings specific to a number of other places, which we noted previously. And if we didn't say Sana'a previously, that would be in that list as well.

And, second, that the timeline for the deployment of U.S. forces was as rapid as could be expected, and that the decisionmaking associated with that was swift. I will caveat that by saying that in retrospect, it became clear that there were some mismatches between transportation assets, or mobility, assets, the deployment of forces that induced lags that I -- because of the timelines involved, and what happened on the ground, and because of the gap between the first attack which occurred over the course of less than 2 hours, and then the second, at least the gap as far as we knew, that those inefficiencies in the connecting of mobility assets to personnel did not affect outcomes in any way.

I read with interest what I viewed as fairly serious criticism

[REDACTED]

[REDACTED]

of the State Department's preparation and including, if I recall the term correctly, middle management of the State Department in its attention to embassy security. I did not have direct knowledge of their interactions with Ambassador Stevens or with other embassies, but it was -- as I read it, it was something that I took into account as we went into interagency discussions regarding the new normal, and I believe it helped me ask harder questions of the State Department as part of an interagency process of what posture they will have and what timelines they will be able to respond on, and to ensure that we've made no inappropriate assumptions regarding that.

Q If I could unpack your previous statement, with specific respect to the ARB's finding about the decisionmaking within the military chain of command on the night of the attacks, did you agree with the conclusion that was reached by the ARB?

A I did.

Q Okay. As a general matter, did you believe that the ARB was some sort of a whitewash?

A I did not.

Q Okay. Do you believe the ARB pulled any punches in its findings?

A I do not.

Q Throughout the day, you've been asked to identify a number of positions of subordinates within your office and identify those positions by name. I have in my notes at least that you've identified for us an Assistant Secretary of Defense for International Security

[REDACTED]

Affairs, as well as an Assistant Secretary of Defense for Special Operations in Low Intensity Conflict.

If I understand your testimony earlier today, those positions are Senate-confirmed positions. Is that correct?

A That's correct. And let me say briefly that I believe I stated that I was unsure of the timeline for the Assistant Secretary for International Security Affairs. We'd made a transition, and I -- where the prior assistant secretary went to NATO, and this -- and I'm uncertain if the person I named, Derek Chollet, was confirmed at that time.

Q And that's fine, sir.

A Okay.

Q My point is because these individuals are Senate-confirmed individuals, presumably information about their nomination, their confirmation status is publicly available information. Correct?

A Yes.

Q So to the extent that the committee had questions about these positions or who filled these positions, that would be information that a basic internet search would turn up. Is that fair?

A Yes. Each of the Senate-confirmed individuals went through a confirmation hearing of the Senate Armed Services Committee and ultimately a confirmation vote, of course.

Q Okay. And you had also identified a series of deputy assistant secretaries of defense, including Gary Reid.

A Yes.

Q Do you recall that? And is it your understanding that Gary Reid had later been appointed or confirmed as the Assistant Secretary for SOLIC?

A My recollection is that Gary was Acting Assistant Secretary of SOLIC. I don't recall him being confirmed in that position.

Q Okay. But in any event, Mr. Reid worked for you?

A He did.

Q Okay. And are you aware that Mr. Reid had previously testified before Congress on several occasions in connection with the attacks in Benghazi?

A Yes.

Q Do you have any reason to believe Mr. Reid wasn't forthcoming or complete in responses or information he provided to Congress?

A No, I don't.

Q Okay. Picking up on the discussion about indications and warnings, in one of the earlier rounds, you had mentioned that you became aware of an internet video that had been translated into Arabic --

A Yes.

Q -- in the early September timeframe. Is that correct?

A Yes.

Q And can you just explain for us generally what the nature of the concern was at the time about that video?

A The concern was that the video portrayed the Muslim prophet,

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Muhammad, in a very unflattering light, and that people who were of the Islamic religion throughout the world would find it offensive, and most importantly, from a Department of Defense perspective, that some of those may act on that in a way that would put Americans at risk, and particularly in countries with significant Muslim populations.

Q Okay. And that specific concern, was that a reasonable concern, in your view?

A I believe it was.

Q Okay. And to your knowledge, had there been instances in the past where offensive content, whether in the form of a video or cartoon, had been released that put American lives at risk?

A Yes. There was a cartoon, I recall it was in Le Monde, but I'm certain of that, but that depicted the -- Muhammad in a very unflattering way. And among other effects, it was assessed to have increased the risk to U.S. forces in Afghanistan.

Q Do you recall whether any servicemembers died as a result of the release of that material?

A Yes. So understanding that the release of the material is then interpreted by some and then who are motivated, I have a recollection of the number, but I'm concerned that my memory isn't perfect and so I'd rather let that -- several people were killed in those actions, to which the perpetrators referred to this cartoon.

Q But certainly when you first learned of the release of the video -- I believe the title was "The Innocence of the Muslims". Is that correct?

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A That's my understanding, yeah. My recollection, The Innocence of Muslims, I think.

Q Was it your understanding at the time that that was released, that there was a reasonable concern that that could cause Americans to be put in harm's way?

A Yes.

Q Okay. And that wasn't a theoretical discussion?

A It was not. There was intelligence to support that assessment.

Q Okay. And that intelligence was also informed by past --

A Yes.

Q -- occurrences?

A That is correct.

Q Okay. And at some point following the attacks, I believe you said that some members of your staff had staffed the Secretary of Defense for a call that was placed to Pastor Terry Jones. Is that right?

A Yes. I recall both seeing, if you will, the preparatory package and getting a read-out afterwards, which -- and the read-out was not very satisfactory from Jones.

Q Okay. In terms of his response?

A In terms of his response.

Q Okay. And did you view that as a prudent step for the Department to take to -- you know, you expressed that there was a serious concern associated with this video. In the wake of the

attacks, did you view it as prudent for the Secretary to reach out to try to contain --

A I did.

Q -- the distribution of the video?

A I did.

Q Okay. Did you view that as some sort of effort to politicize or set the narrative about the attacks that occurred in Benghazi?

A No. I viewed it as an attempt to reduce the chances that additional attacks would occur against Americans overseas.

Q You were asked in the previous round whether you had an -- you were aware the ISR had at some point in time been suspended in Libya. I'd just like to ask whether you were aware that on the night of the attacks, that ISR was, in fact, flying over the city of Derna?

A Yes. I'm aware that there was ISR and that when one unmanned aircraft, you know, ran out of time, essentially, that another was put in place.

Q And does that fact refresh your recollection as to whether -- a Libyan concern about ISR, whether that was resolved in any way?

A My inference is that there was a period of -- my inference and not precise recollection is that there was a period of time where we lacked ISR coverage, because of these concerns and that it was put back in place, and that there is a severe competition for ISR assets globally and in the region. And with ongoing operations in Afghanistan

and elsewhere, that there's a severe competition. My belief at the time of the attack was that we had the ISR allocated on a risk-based approach, and it was not constrained by those prior factors.

Q Okay. And so to your mind, the ISR missions had resumed by that point?

A They had resumed.

Q Okay. So the issue, to the best of your recollection, is it had been resolved in some way?

A Yes. It had been resolved. And at the same time in the aftermath, there was a hard look at what additional ISR -- whether additional ISR was appropriate in Libya and other locations.

Q I'd like to ask -- you had walked us through your recollection of the night of the attacks, and that was helpful. You had indicated that at some point you had asked the Secretary's chief of staff, Jeremy Bash, to serve as -- how would you describe it?

A At the point at which it was clear both that I needed to get home to take care of my children, and that there was going to be a meeting, which I would otherwise have felt not just deeply interested, but strongly obliged to attend, I reached out to the then principal deputy undersecretary, Kathleen Hicks, and the Assistant Secretary for SOLIC, Michael Sheehan, neither one was available, and I don't recall the details of what was travel, what was -- et cetera, and because the chief of staff had the visibility of the conversations that had occurred from 4:35 or so on the afternoon on September 11th and was part of every conversation to which I had been a party, I asked him

to join with the person who represented me in order to help ensure that the secretary was as well represented at the SVTC as possible and that the Department of Defense was able to get any information from the intelligence community and so forth and State Department necessary that would help inform any future secretary decisions.

Q So there were -- if I understand you correctly, there were about 3 hours of meetings that occurred from the initial notification of the attack to the time that you departed that evening.

A That's right.

Q And Jeremy Bash was a participant in every single one of those conversations. Is that fair?

A With the exception of the conversation between the President, and the Secretary, and Chairman Dempsey.

Q But every conversation in which you --

A Yes.

Q -- participated, Jeremy Bash --

A Yes. Aside from Chairman Dempsey and with General Ham coming, as I recall, in and out, making phone calls back to his deputy commander, Vice Admiral Leidig, Jeremy Bash was the person who had the full exposure of these issues and is someone who, as -- with him as chief of staff and with whom I had worked on a daily basis and was confident would be able to carry forward and represent the Secretary's interests and ask good questions that would help inform the Department's deliberations.

Q So you were confident in Mr. Bash's ability to stand in your

stead that evening?

A I was. I was.

Q Okay.

A And I would have wanted a staff person with me, and I made sure that he had a very capable staff person as well.

Q And even --

A But if I could say --

Q Please.

A -- it was also the case that the secretary had made his decisions about the two FAST teams, about the CIF, and about

[REDACTED] and given the vocal approval for that. I wanted Jeremy, the chief of staff, to be able to say that to the people on the SVTC and have that -- this is not for internal, but for any interagency discussion, have it understood. And as the chief of staff, he's the senior person in the pecking order, if you will, of the Department of Defense, and someone, if he says something is the case and he was in the meeting, that that -- that that is credible to the then DAT, deputy national security advisor, and to others. And so there's no -- having him be able to fulfill that role and given that I was unable to, help, in my view, to protect the Department's and the Secretary's prerogatives and ensure that things moved forward appropriately.

Q Okay. And if I understood you correctly, you mentioned that your principal deputy undersecretary was unavailable and another staffer was also unavailable. Had they been available and not been

[REDACTED]

[REDACTED]

a party to these conversations that had been ongoing for about 3 hours at this point --

A Yes.

Q -- presumably they wouldn't have had the same awareness that Mr. Bash would have had, because he participated in those discussions? Is that a fair assumption?

A That's true. What I would have asked in that instance was for the Senate-confirmed official to sit in the chair, and that would have been either Principal Deputy Undersecretary Kath Hicks or Assistant Secretary Michael Sheehan.

And as an aside it makes me realize that either Derek Chollet was confirmed later or that he was, you know, indisposed, because -- and then I would have asked Jeremy to, quote unquote, "back bench" and be prepared to provide additional information, so pre-brief the person who's going to represent the Office of Secretary of Defense. Typically when a SVTC starts, there's a sidebar conversation, and the vice chairman would be my counterpart, and I would get a quick update on where things stand, and pass information back and forth to any degree.

So I would have asked Jeremy to go to the meeting in any event, but rather than sit in the chair essentially as a proxy for me, I would have asked him to sit behind the -- you know, over to the side to provide information and to come on the -- you know, the other agencies and so forth would know, but to come on screen when necessary only.

Q And you had confidence that as the Secretary's chief of staff, he had sufficient stature --

[REDACTED]

A Yes.

Q -- to represent Department in that SVTC?

A He had knowledge and he had stature, and he's someone who was able to pick up the phone and talk to the most senior people in the White House below the level of the President, and I believe that I had that as well with respect to the deputy and our security advisors, national security advisor. Jeremy was someone who could do that.

And because this occurred at a point in time when my other most senior staff were just unavailable and where I faced a dilemma with respect to I needed at some point that evening to get home, because that I saw the core task of the SVTC as getting any additional information and intelligence about the situation on the ground, and, of course, having Joint Staff in there as well, who would be expected to pass that almost realtime to AFRICOM, and then to clearly state what decisions the Secretary had made, I -- in other words, it wasn't a decision SVTC, it was a -- it was an informational SVTC, I believed that Jeremy was more than qualified, and that having his stature was advantageous.

Q And you had also previously mentioned that you had remained in constant contact with Mr. Bash throughout the evening, perhaps into the morning hours of the 12th. Is that accurate?

A I would say frequent contact. I was not in direct contact during the time of the SVTC. We talked afterwards at about 9:30 p.m. And my recollection is that between doing SIPRNet emails that involved joint staff and some -- involved some interagency discussion as well

and being on the phone, it certainly went past midnight.

Q Okay. And was it your belief that Mr. Bash was keeping you informed of events as they were unfolding and additional information that he was gathering?

A Yes. In fact, I'm confident that that's the case. The principal reporter from the SVTC, which I missed, was this person that worked for me, Alice Friend, and I knew that she would have had a discussion, with a quick review with Jeremy, of the content and would have gotten his input, and that -- and then, frankly, the purpose of the phone call with Jeremy was to get any additional insights that he had or any context that would -- that someone as a -- someone with -- who is less senior and less connected to the most senior levels of the White House might not have had.

Q In reading that summary or in any discussion you had with Mr. Bash that evening or the following morning, did you receive any information that caused you to express disapproval or disagreement with an action that was taken or with any information that was communicated by the Department to the interagency?

A No.

[1:49 p.m.]

BY MR. KENNY:

Q Okay. So everything that -- all the information you received was consistent with, perhaps, how you yourself would have handled or managed the situation?

A Yes. Yes, and Jeremy Bash, a head person, who we discussed, he knew the Secretary well -- I knew the Secretary well, but he knew him very well. He had been in every bit of discussion that I had been in, gotten the information available from the intelligence community, as we -- as we received it over time from the combatant command -- some through General Ham, some through reports that came in from the -- from Stuttgart and some from traffic through the joint staff, and was somebody whom I had worked with closely and had every -- every confidence.

I believe it was necessary, it was essential to have him in the room to be able to explain -- to be able to provide the context and to be able to make a clear statement from a senior level Defense official of the Secretary's decision in that SVTC.

Q Do you believe he did that?

A I believe he did that.

Q Okay.

A I believe he did that extremely well from the reporting I saw.

Q Okay. I'd like to move on, if I may, and ask you a series -- a series of questions about both the evening of the attacks,

and going forward to that week. You were asked in a previous round how you view the role of the Under Secretary and defense for policy with respect to the crisis response that night. And I had notated that from your perspective, you viewed it as how to get forces in place to protect Americans who are at risk and how to get those forces there as quickly as possible. Is that a fair summary?

A What you just described is, I think, a fair summary of what the overall Department of Defense wanted to accomplish --

Q Okay.

A -- to get forces in place and be prepared to deploy them and to save American lives if -- if possible.

I saw at that point, my role, first, as -- as a participant in ensuring that -- that if anyone raised concerns about how the -- how the Secretary's decisions would be executed, that I would be able to, by stint authority, be able to set them aside, address them or set them aside, if it should come from another agency. And, in general, in both deliberate operations, you know, preplanned operations that unfolded according to a timeline that we established and in crisis operations, I view my role and the Under Secretary's role to be in the room looking for either areas where important risks or opportunities haven't been thought of or addressed, and to -- and then to think through the possible second and third order effects and the enabling actions that may need to be taken, whether it's communicating with allies and partners and so on.

And so both interjecting where appropriate and listening to think

through other supporting actions is a -- is a -- is an important role.

Because there was such urgency and clarity about the available options in this instance, there was much -- there were far fewer opportunities for either of those roles than there might be in other instances. But those are still -- it's a -- again, as I said, I think the Secretary must have strong military -- independent military advice from the chairman as well as getting a view from the combatant commander. And, as you know, the chairman is not in the chain of command but is an adviser. And I believe strongly that the Secretary should also have civilian advice.

I don't believe that the civilian advice was essential during the window when I got home, or else I -- I would have -- I would've phoned someone in addition to the neighbors I attempted to reach to go take care of my children. I would have kept going down that list and until -- until I found somebody who did it. I was confident that for a period of time that this was something my function as Under Secretary could be -- could be fulfilled by the combination of my senior -- my staff and Jeremy presenting a clear picture of the Secretary's intent and orders.

Q And if I understand you correctly, it sounds like the urgency of the crisis itself dictated, then, that perhaps a more limited role --

A Yes.

Q -- of policy in this instance?

A Yes.

Q Okay. Was it your sense that afternoon, that evening, and carrying forward that protecting American lives was a top priority --

A Yes.

Q -- for the Department?

Did that include everyone with whom you interacted within your agency?

A Yes.

Q During the week of the attacks, was it your sense that you and your staff were doing everything in your power to respond to events and crises as they were unfolding in both Libya and the region?

A Yes.

Q Was it your sense that personnel from across the interagency were doing everything they could to assist in the crisis response?

A Yes. It -- that was my sense. And to understand the context in -- in real time, and prospectively, there were indicators and warning of significant challenges in a number of specific locations. And one is always aware that something could happen in another -- in another location, as occurred in Benghazi. But a significant amount of attention went to the locations where there were specific indicators and warning, and then other attention was provided to other locations, including tracking intelligence and so forth during that time period.

Q Thank you. You mentioned a moment ago that there was both urgency to the situation as well as clarity about the available options. There had been a number of questions and theories over the last 3-1/2

years following the attacks that, perhaps, more resources weren't sent to Benghazi, but that, perhaps, there were resources at the disposal of the Department that they chose not to send on the night of the attacks. Do you have any response to that allegation?

A Yes, I do. There were -- I -- there were those who would have suggested that we should have flown F-16s over Benghazi. There's a real question as to whether even if we had done so as early as possible, given the timelines involved, because they weren't -- we didn't have aircraft on -- on strip alert and so forth, there's a question of whether they would have been able to make it within the timeline between -- between the, say, 3:42-plus warning time, eastern time, to the 5:30 when all -- everyone had departed the facility in Benghazi. So there's a timeline question that I -- I am unsure whether that would be the case.

But, certainly, if someone had asked if the -- if that option had been presented in the discussion, I would have felt compelled, as a senior civilian adviser, to say, what is the aim? What is the objective of that -- of that? What are the risks associated with it? And, in my view, during a flyover of Benghazi could have been seen, in addition to the risks associated with it, if it were feasible on the timeframe, could've as well been seen as a sign of American impotence as a sign of American strength. What does one do to follow up? It could have as easily put Americans at greater risk as reduced the risk.

So for that specific option, there's, first, a timeline question. I suspect you've heard from others in the military chain about the

challenges of the timeline associated with that.

And, second, I -- ultimately, it would be -- I expect the military advice would have been the same as the civilian advice in this instance.

Q Okay.

A But the problem -- the fundamental problem of the tyranny of distance in time is that the assets that we -- that you most wanted to have there to be able to help potentially save American lives took time to get there because it involved -- it involved people coming at some distance. Even with shorter -- even with the -- with very short warning timelines, have we had indicated someone, it would have been challenging, credibly challenging, to get to Benghazi on that timeline. And that reinforces the criticality of improving the posture at specific locations and in transit.

Q And if I may try to summarize some of your previous statements today, for those assets that were deployed, you were asked about the length of time it took in which to deploy those forces. And if I understand correctly, and please correct me if I'm wrong, but to summarize, it's your view that airlift or transportation for those assets was a significant delay on the night of the attacks?

A It was delayed, but it would -- I do not believe that it would have affected any outcomes on the ground. So a lesson -- when you do a lesson learned, you look at every element of the scenario that could have affected outcomes, even in the -- even had things played out differently.

And my recollection is that there was not the synchronization of the assets and crew rest associated with those assets to be able to deploy in as part of the new normal we then look to, and basically expectation that -- that there's an understanding of the timeline of the crew, that the equipment are available for loading that timeline, and the lift assets and any -- and in cases where air fueling is required to refueling assets, as well also available in that timeline.

Q Okay.

A That got, I think, much -- it got significant attention afterwards, again, that being the case of notwithstanding the conclusion that given the timelines and distance in this scenario, outcomes were not affected.

Q Okay. I may return to that point if I have more time. Noticing that we're running a little short on time, I have a few more matters I'd like to get through.

A Okay.

Q Did the Secretary of Defense ever tell you or anyone at DOD to stand down or slow down the DOD response on the night of the attacks?

A No.

Q Did the Secretary of State ever tell you or anyone at DOD to stand down or slow down the DOD response?

A No. There was, to my mind and everyone involved, there was incredible urgency to get things done and to do everything possible to save American lives.

Q Okay. Thank you.

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We had a brief discussion about country clearance, diplomatic permissions to enter the foreign country. Did you view the issue of diplomatic clearances to be a significant limitation on the night of the attacks?

A No. I recall in reading the email summary of the SVTC, that had arose in that conversation. And my view was that it was irrelevant, that if we needed to deploy forces to protect American lives, that we have the legal authority, and we have the, indeed, the obligation to do so. And I don't have any indication that those concerns slowed down any element of -- of the Department of Defense preparations or implementation of its deployments.

Q Okay. So you don't believe that a discussion about seeking diplomatic clearances, that that, in any way, delayed the response in a way that would have cost lives on the night of the attacks?

A I'm confident that it did not.

Q Okay. And turning to a discussion about the FAST team in particular, and the discussion of whether to deploy that FAST team and civilian and military attire, first, you were asked whether or not you are aware of a certain period of time that that FAST team was located with its aircraft and changing in and out of uniform. I'd like to also ask whether you are aware of when the C-130s from Ramstein arrived at Rota to pick up the FAST teams? Do you have an awareness of that timeline?

A I did not have real-time awareness of either of those.

Q Okay. We understood that it occurred around 12 p.m. local

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time. And just to place that in context for the events of the night, what was your understanding of the events or the situation in Benghazi as of 12 p.m. local time on the 12th?

A By "local time," you mean in Benghazi?

Q Correct.

A As of -- as of 12 p.m. local time, the Americans had -- had moved from Benghazi to Tripoli.

Q Okay.

A And within a couple of hours local time, a C-17 was en route out of Tripoli to evacuate Americans.

Q So your understanding is that everyone had already evacuated from Benghazi --

A Yes.

Q -- by the time C-130s arrived in Rota? Is that fair?

A Yes.

Q Okay. So do you have any evidence that the discussion about whether to deploy that FAST team and civilian attire significantly delayed the military response in a way that cost American lives in Benghazi?

A Given the timelines, that's not a possible outcome.

Q Okay.

A And it's -- it's -- to me, that is in a category of lessons learned and -- and issues that could have been relevant, had the scenario been different. In this instance, there's no possibility that had any impact.

Q Real briefly, you were asked about the role of intermediate staging bases and deployment orders, how follow-on orders could either be executed separately.

A Yes.

Q I believe you described two separate processes that could occur, but you are unsure which of those occurred on the night of the attacks.

Regardless of which of those two processes you earlier described for us, had conditions on the ground changed in any way by the time those teams arrived at the intermediate staging base; in other words, we as soon discussed a little bit the timeline that one personnel evacuated from Benghazi.

A Yes.

Q Do you have an understanding of when any response elements arrived in Sigonella, what the situation on the ground in Benghazi was at that period of time?

A Yes. Personnel had departed.

Q Okay. So, then, there was no mission for those teams to go into Benghazi?

A There was no mission to go into Benghazi. But the -- there was no way to make the timeline work irrespective of all the factors we've discussed, given the timeline that occurred on the ground in Benghazi. There's no -- there was no physical way to get a FAST team there within the timeline that occurred.

Q Sure. And before I move into my final question here, I did

just want to ask a final question. We talked about the new normal, some of the reforms that had been adopted or implemented by the Department. I'd just like to provide you the opportunity, if you have any information for this committee as we make recommendations going forward on how to improve the safety, security, of personnel stationed or deployed abroad. If you have any evidence or information that you think would be helpful for this committee, we would like to provide you the opportunity, if you'd like.

A Thank you. I'll give you my judgments, and some of this will repeat what I said earlier.

Perhaps most importantly, the combination of uncertainty about where and when an event might occur and the tyranny of distance and time that we've talked about, mean that giving a real priority to the security posture of embassies and consulates and individuals and teams and movement is fundamentally important -- fundamentally important and essential, and that in my judgment, that's the first place that we should look to increase resources and increase -- improve the posture. In fact, that's what occurred in the aftermath of -- of Benghazi with this new normal review, so-called, and the -- both changes in the State Department and changes in the Marine security detachments, increased posture.

It's -- second, it is -- it is important and valuable to understand the timelines and underlying assumptions for timeline for response sources and that includes logistical support and aircraft and so forth, and it includes the specific missions and force

package -- capabilities that those forces bring in.

A FAST team may be appropriate to secure embassy security and -- and would be more challenged to have to fight its way in. You prefer to be able to have the appropriate asset there. There will be instances where there's a mismatch. Those instances need to be quickly highlighted and -- and decisions taken. So to be -- to be specific, from my perspective, if there were some way to get a FAST team into Benghazi, even if it was in the face of a hot firefight, if -- if -- if the combination of distance and time allowed that, my -- my view is that -- again, it's a hypothetical, but my view is that, of course, that would have been done. And it would have carried some risk to our forces, but it would -- and that risk would have been assessed hard, assessed quickly. But you can't expect to have exactly -- you can't expect perfect intelligence, and you can't always expect to have perfectly matching forces to the challenge. And that's where both commander's judgment and, where appropriate, the chain of command, from the commander in the field to the combatant commander to the Secretary to the President, need to be prepared to make rapid decisions.

And -- and as is typically the case in the Department of Defense, there needs to be a high expectation that we put quality people in the field who are capable of making decisions quickly and -- and -- and making risk judgments and to delegate those down. Those are -- those are important guiding principles, I believe.

Q Thank you, sir.

At this point, I'd like to ask you a series of questions.

[REDACTED]

A Okay.

Q They are based on some public allegations that have been made about the attacks.

A Okay.

Q And I was looking whether you have any information, generally, firsthand information to support the allegation.

A Okay.

Q If you don't, we can just move on to the next allegation.

A Okay.

Q Start with the first allegation. It has been alleged that Secretary of State Hillary Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon" -- Panetta -- "to stand down," close quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No. You are looking for a "yes, no," predominantly here?

Q If you don't have any information, that's fine. We can move on.

A No, notwithstanding the fact I wasn't present for the SVTC,

[REDACTED]

I was in communication with both the defense -- my defense team and the joint staff and others and anything -- I have no doubt that anything like that would have come to my attention.

Q And it sounds like it didn't?

A It did not occur. It did not occur.

Q Okay. Next, it has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011. Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011?

A No. I saw the intelligence at the time, as I noted before. That was the -- regional portfolio was not my principal responsibility,

but I -- I recall that there was significant intelligence regarding that risk.

Q Posed by Qadhafi to his people?

A Posed by Qadhafi to his people.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," close quote, and that they found, quote, "no support for this allegation," close quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I do not have any evidence.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex on the night of the attacks to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered, to, quote, "stand down," close quote, but that, instead, there were tactical disagreements on the

ground about how quickly to depart.

Do you have any evidence to contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No, I do not.

Q Putting aside whether you personally agree with the decision or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents that were provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director, Michael Morell, altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," close quote.

Do you have any evidence, the CIA Deputy Director, Michael Morell, gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an, quote, "intentional misrepresentation," close quote, when she spoke on the Sunday talks shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States

was, quote, "virtually AWOL as Commander in Chief," close quote, on the night of the attacks and that he was, quote, "missing in action," close quote.

Do you have any evidence to support the allegation that the President was virtually AWOL as commander in chief or missing in action on the night of the attacks?

A No. And as the timeline and our discussion indicates, we have evidence to the contrary.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks, who were considering flying on a second plane to Benghazi were ordered by their superiors to, quote, "stand down," close quote, meaning, cease all operations.

Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in that location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to military personnel in Tripoli who sought to join the fight in Benghazi?

A No, I do not.

Q The final allegation. It has been alleged that the military failed to deploy assets on the night of the attacks that would

have saved lives. However, former Republican Congressman, Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did, close quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to deploy?

A No.

Q Thank you.

Mr. Kenny. Can we go off the record.

Mr. Tolar. Back on the record. And in 2 minutes we'll be done.

BY MR. TOLAR:

Q Sir, is there anything else you would like to share with the committee or you think the committee should know or would like for us to know?

A I would just reiterate and reinforce that notwithstanding everything going on in the world that we talked about, at least as part of my portfolio as Under Secretary, notwithstanding the inherent friction that can occur in interagency discussions, I believe there

was a -- an intense focus by the Department of Defense, and by every other part of government with which I interacted to do everything possible to save American lives. And -- and I understand -- I understand the value of -- of lessons learned, and so as -- it goes back to an earlier red team question, go back to red team: Even if it didn't affect the outcomes here, what can we do in the future in case it was different?

A lot of the new normal were -- was based out of that -- out of that approach, I'd say fundamentally it was, and then thinking of additional scenarios as well. We can't get to zero risk; it's a dangerous world, but you can be smart about how we posture and how we use intelligence and to mitigate that risk.

And the -- as I -- just to circle back, the timeline in this case was so challenging because of the lack of indicators and warning that -- that I believe everyone, including the Department of Defense, did everything that they could, and that each person has searched their soul to think that there was something they could have done earlier that would have postured us better, and I believe we're better postured today. Not -- still not zero risk, and there's still more work to do, but that's -- that's the, I guess, my final point I would make.

Q And would you, just for the record, give a quick definition of "red team"? What that is, generally?

A Sure. Sure.

Q Just briefly.

A Sure. By "red team," I mean both taking independent view

to provide critical analysis of plan or a concept or an approach. So that for the new normal, it could be, here's what the posture is; here's what our assumptions are. Our red team can come and look at that and say, we believe you've left out X, Y, and Z.

There's a second version of red team that is also important, and that's to put on a hat as if one were an adversary. And in this case, to think, okay. What if -- let's think about the specific objectives of a future terrorist group, whether it's the Ansar al-Sharia, moved, gone forward, Al-Qaeda, ISIS, and so on; have we thought about our adversary's frame and how we can protect against them and negate their ability to host threats of both a critical analysis and adversary simulation are fundamental parts. As I said, I -- I believe they are critical to good decisionmaking, and have been an advocate of those for many years.

Q Lastly, sir, is there anybody that you think would behoove the committee to speak with or who might have something else to add to this discussion, investigation, anybody at all?

A I believe that you've covered the most important. And I would -- but I'm not -- I'm not -- Secretary Panetta, Jeremy Bash, because of the role that he played, and Admiral Winnefeld, Sandy Winnefeld, Carter Ham. And, again, I think Joe Leidig, who was the deputy commander at the time. Let's see, I actually don't know if you've -- I presume you've talked to General Dempsey, who was engaged in this as well, as well as Admiral Winnefeld. General Kelly, although he was senior military assistant, he was a party to these conversations,

and typically the conduit for transmitting -- well, often the conduit for transmitting Secretary guidance to the joint staff, although the special assistant could do that, too. Those would be the most important from the Department of Defense perspective.

You've gotten testimony -- Congress has gotten testimony from the past from Garry Reid, who was deeply an expert on counterterrorism, and who someone I relied on heavily during my time as Under Secretary that -- those are the top -- those are the -- are the top names. And the Under Secretary for Intelligence at the time was Michael Vickers, who also turns out is deeply expert on counterterrorism because of his prior history, previous Assistant Secretary for SOLIC. I don't know whether you -- well, so -- he would be -- those would be the people whom I believe would be most important.

It's an unusual arrangement in the Department of Defense that the Deputy Secretary is focused on management administration and so forth. State Department has two deputies: one that does management administration, one that does policy. The Defense Department, obviously, is organized differently. And so the Under Secretary for Policy serves as the deputy for interagency process. And for that reason, I believe that Deputy Secretary was apprised in the -- you know, was likely tracking intelligence and was apprised, but was not involved in these -- in these discussions.

Q Well, that's helpful.

A Oh, Kurt Tidd. As the J3, he was in the thick of it.

Q Sure. Again, on behalf of Chairman Gowdy, I want to thank

you for your presence today. This was very informative and helpful, and good luck going forward.

A Thank you very much.

Mr. Tolar. We're off the record.

[Whereupon, at 2:26 p.m., the interview was concluded.]

INTERVIEW OF GRS 5

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 24, 2016

Excerpts of the foregoing interview were cited in the Report of the Select Committee on Benghazi. The Central Intelligence Agency declined the Committee's request to declassify the interview transcript.

INTERVIEW OF REMOTELY PILOTED AIRCRAFT PILOT #1

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 25, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
MAC TOLAR, *Senior Counsel*
SHERIA CLARKE, *Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF DEFENSE

BILL HUDSON, *Office of the General Counsel*
EDWARD RICHARDS, *Office of the General Counsel*

FOR THE U.S. AIR FORCE

Colonel * * *, *Air Force Legislative Liaison*
Major * * *, *Air Force Legislative Liaison*

██████████

Mr. Tolar. This is a transcribed interview of Captain ██████████
██████████, United States Air Force, conducted by the House Select
Committee on Benghazi.

This interview is being conducted voluntarily as part of the
committee's investigation into the attacks on U.S. diplomatic
facilities in Benghazi, Libya, and related matters pursuant to House
Resolution 567 of the 113th Congress as well as House Resolution 5 of
the 114th Congress.

Would the witness please state your full name for the record?

Captain ██████████ ██████████

Mr. Tolar. Sir, the committee appreciates your appearance here
today. Thank you very much.

Again, my name is Mac Tolar, and I'm with the committee's majority
staff.

At this time, I'm going to ask everyone in the room to introduce
themselves for the record.

Ms. Clarke. Sheria Clarke.

Mr. Green. Shannon Green with the minority staff.

Mr. Hudson. Bill Hudson from the DOD Office of the General
Counsel.

Mr. Richards. Edward Richards, DOD OGC.

Colonel ██████████ Colonel ██████████ Air Force
legislative liaison.

Major ██████████ Major ██████████ Air Force legislative
liaison.

██████████

██████████

Chairman Gowdy. Trey Gowdy, South Carolina.

Mr. Tolar. And, as you can see, we've got an official reporter here taking down everything we say in order to make an official record of this interview. Accordingly, I would ask you provide verbal responses to all my questions. Try to avoid nodding your head, saying "uh-huh" or "huh-uh." Otherwise, she's going to try and throw something at me to get your attention.

Also, let's try not to speak over one another. Sometimes I might get a little excited and try to start talking. I'll endeavor not to do that and ask you to do the same, please.

Please understand that you are not under oath. However, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this?

Captain ██████████ Yes.

Mr. Tolar. Is there any reason why you are unable to provide truthful answers to today's questions?

Captain ██████████ No.

Mr. Tolar. Shannon, do you have anything?

Mr. Green. Captain ██████████ just welcome. We appreciate you coming in voluntarily to talk with us.

And it's my understanding that you have never spoken with Congress about the Benghazi attacks. Is that correct?

Captain ██████████ Correct.

Mr. Green. Okay.

██████████

That's all I have, Mac.

Mr. Tolar. Thank you.

The clock reads 10:08. We'll start our first hour of questioning.

EXAMINATION

BY MR. TOLAR:

Q Just to follow up on what Shannon just asked you, again, have you ever been questioned at all about anything related to the attacks in Benghazi?

A Negative.

Q Is that a no?

A Correct, yes.

Q Do you know what the ARB is?

A No.

Q It's also known as the Accountability Review Board. Do you know what that is?

A No.

Q Thank you.

Other than your military school assignments, please talk to me briefly about your career in the Air Force.

A Okay. So, after the Air Force Academy, graduated in 2007, went to pilot training at ENJJPT, which is an acronym for Euro-NATO Joint Jet Pilot Training. And that's an embedded acronym with NATO. But anyway, then went to fly MQ-1s at Creech Air Force Base.

Q What is an MQ-1?

[REDACTED]

A An MQ-1 is a Predator. And so MQ-1B Predator, and we'll get more into the capabilities of that here shortly.

Then went to fly MC-12 Whiskeys, which is a King Air modified for intelligence, surveillance, and reconnaissance, and flew those for another 500 combat hours in Afghanistan, and then came back and finished up MQ-1s at Creech Air Force Base and completed about 1,000 hours total in the MQ-1 and upgraded to instructor, and then transitioned over to fly RQ-170s, [REDACTED]
[REDACTED]
[REDACTED]

Q What do you call that thing?

A [REDACTED]

Q Say it again?

A [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q How many hours on the Predator?

A So about 1,000 hours on the Predator.

Q On the King Air?

A And 500 hours on the King Air.

Q [REDACTED]

A [REDACTED]

Q Are you qualified for any other aircraft?

A Negative. Just those three.
[REDACTED]

[REDACTED]

Q Just for clarity, no?

A No.

Q Thank you so much.

So your current position, [REDACTED]

[REDACTED]

A [REDACTED]

Q At Creech?

A At Creech Air Force Base.

Q What is your unit?

A [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

Q Give me that number again?

A [REDACTED]

Q At the time of the attacks in Benghazi, what was your rank?

A I was a captain.

Q Where were you stationed?

A I was stationed at Creech Air Force Base, flying with the 18th Reconnaissance Squadron.

Q Who was your commanding officer?

A [REDACTED]. Lieutenant Colonel [REDACTED].

Q He was the commanding officer of the 18th?

A Yes, sir.

Q Thank you.

[REDACTED]

[REDACTED]

In the summer of 2012, August timeframe, ISR missions over Benghazi and Tripoli were suspended due to alleged complaints from Libyans. Were you aware of this?

A I'm not aware of the details, but I do know we had restrictions by air traffic control to, I guess, not have complete autonomy over the airspace, and so we agreed to coordinate with them before we transitioned airspace. So that would make sense.

Q So, during that timeframe, you could still operate in the airspace; you just had to get permission and/or coordinate with the Libyan air traffic control. Is that correct?

A Yes. So we accepted their restrictions, but they did not restrict us often. So it was a handshake deal where we tried to respect especially their civilian air traffic control into their primary airports and then accomplish intelligence, surveillance, and reconnaissance away from their primary air routes.

Q Based on your experience, did that impact your ability to conduct your mission at all?

A No.

Q Based on your experience and what you were aware of at the time, were any other missions impacted by that that you are aware of?

A No. We were able to accomplish all the intelligence and surveillance and reconnaissance that we were tasked to accomplish. So we were able to fly at the altitudes we wanted and set up the orbits around the latitude and longitude that we wanted.

Q What I want to do now is get you to talk to me, educate me

[REDACTED]

about Predators. I guess, first, talk to me about the structure of a Predator unit. Like, the 18th Reconnaissance Squadron, are they flying Predators, et cetera? What's the unit structure look like?

A Okay. So a Predator unit of the 18th Reconnaissance Squadron, for a case study here, has about 100 people in it with 3 different shifts, and it's operating 24/7. So the basic construct for a remote-piloted aircraft is --

Q For a what aircraft?

A For a remote-piloted aircraft, so the military term, separating it out from the word "drone," which is normally targets that we fly and we shoot missiles at, versus a remote-piloted aircraft is an offensive weapon like an airplane that we're flying.

So remote-piloted aircraft, and the jargon for that is a CAP, combat air patrol, which is now an orbit that is flown over a position 24/7/365. And the Department of Defense is contracted for about 60 of these CAPs, combat air patrols, and these orbits. And for those, each squadron is allotted about four.

And so the 18th Reconnaissance Squadron at the time was manned for about four of these. And they could be anywhere from Afghanistan to Iraq to Libya and Africa and all over. And so the pilots in the 18th Reconnaissance Squadron would be cleared to multiple areas of responsibility at a given time.

Q All right. That was a mouthful. I'm a little slow. Is this correct, what you just said? Basically there are 60 routes in the world that these RPAs cover 24/7. Is that correct?

[REDACTED]

A Affirm.

Q What does that mean?

A Yes.

Q Thank you. And then --

Chairman Gowdy. Let's do this from now on. When you say "negative," you mean "no," and when you say "affirmative," you mean "yes," right?

Captain [REDACTED] Yes.

Chairman Gowdy. So the record has that, and you can just talk the jargon you're used to talking.

Captain [REDACTED] Okay.

BY MR. TOLAR:

Q So there are 60 routes in the world, and at the time, the 18th Reconnaissance was responsible for 4 of them.

A Approximately. And that can flex back and forth, but about four.

Q Well, at the time, what were those four routes?

A I believe three -- if I had to guess, three were initially in Afghanistan and one was in Libya.

Q Okay. Thank you.

In terms of the 18th, does that include pilots?

A Sorry, say that again.

Q In terms of the 18th and the structure of it, does that include pilots?

A That includes pilots, sensor operators, and intelligence

[REDACTED]

professionals.

Q Maintainers?

A And no maintainers.

Q Okay.

Where was the 18th located?

A And the 18th is located at Creech Air Force Base. And just as far as kind of following up on the MQ-1 crew complement, it is a pilot, a sensor operator, and an intelligence professional. And the pilot is always a rated officer, and the sensor operator is an enlisted aircrew member, and the intel analyst is either an enlisted or officer intelligence.

Q So every time -- what's the word for that team when they're --

A Oh, crew.

Q So that crew -- whenever that aircraft is being driven or operated by that crew, it always includes those three personnel.

A Yes, sir.

Q Okay. Then do this. Talk to me briefly about what your responsibilities are as the pilot versus the sensor operator versus the intel guy.

A Okay. So, big picture, as far as employing the MQ-1, as the pilot in command, I'm responsible for maneuvering the aircraft, altitude, air speed, aircraft placement, and coordinating with external agencies like air traffic control in order to get the aircraft where we need to be when we need to be there and configure it

[REDACTED]

appropriately.

And then the sensor officer is the enlisted aircrew sitting to my right, about 2 feet away. And we're able to see each other's screens and watch everything, and we're talking on headsets. And they are controlling the targeting pod, which has a laser on it and then also has a videocamera. And I'm looking at my heads-up display in the cockpit, and the sensor operator is looking at the targeting pod on the right, where the camera is looking from the jet.

And then the mission intelligence coordinator is either right behind us or in a room next-door, and we're talking to them on headset, as well. And then all three of us are also coordinating with outside players on the radio, [REDACTED]
[REDACTED]
[REDACTED]

Q What are you getting from the mission intelligence coordinator? What is he providing you?

A So the mission intelligence coordinator is our primary link to the supported unit, whether that's a task force on the ground in Afghanistan or the Combined Air Operations Center, who is feeding us more strategic-level taskings. And they're the ones that are feeding us basically the essential elements of information that we're going after.

And so, in a standard scenario in Afghanistan, they would say, "Here are the latitude and longitude coordinates that we want you to go investigate, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Do you ever talk to people on the ground, or is that just the mission intelligence coordinator's job?

A So the mission intelligence coordinator is reaching back during all the intelligence preparation of the battlefield. And then, once all that is coordinated and we go kinetic, which is when we start releasing bombs off the jet or firing the Hellfires, then that's where the JTAC, the joint terminal attack controller, on the ground, who is an Air Force guy usually embedded in an Army unit, and he's talking on the radios to the pilot -- and, in this case, that's where I'll start taking over, and I will start keying the radio and on the ultra high-frequency radio start talking to the joint terminal attack controller on the ground and coordinate for that kinetic strike, which would be shooting the Hellfire into a close air support environment and protecting the unit that that joint terminal attack controller is embedded with.

Q So, for all intents and purposes, the mission intelligence coordinator does all the talking except for when it's time to employ a weapon, and that's when you're talking directly to the JTAC or the JTAC on the ground.

A Yes, sir. Not 100 percent but the majority of the preliminary coordination with the supporting unit is done by the mission intelligence coordinator. And then all the air traffic

[REDACTED]

control deconfliction is done by the pilot via the same method.

Q Talk to me about what the sensor operator is doing during a mission.

A So the sensor operator is primarily controlling the targeting pod, which is a system on board the aircraft which has two primary cameras that we care about -- so it's electrical optical camera, which is like a daytime normal camera that you would have on your cell phone, just a really good version of it, and then an infrared camera, which is able to see white-hot and black-hot.

And so the value of that electro-optical camera is in daytime you're able to pick out colors, whereas the infrared is valuable at night because when you can't see the normal electrons during the day, then you're able to pick up the heat signature off of people at night.

And that's where you see the standard Predator videos throughout the DOD enterprise of where it's all black and white. And then you can set it for either black-hot, which will highlight all the individuals and the car engines and explosions to be black, or you set it to white-hot, and then now all those heat signatures will all be white and all the cool stuff black. And that's optimal for the nighttime.

And then, if that camera is optimized -- so the sensor operator is working on optimizing that camera -- then, in sensitive situations, the camera is already optimized in order to provide the best picture back to the Combined Air Operations Center and then also the Tactical Operations Center for the joint terminal attack controllers who are

[REDACTED]

watching the video.

Q Does the sensor operator do any intelligence analysis based on what he's seeing, or is that being done by your mission intelligence coordinator?

A Good question. On military jargon-wise, it's establishing positive identification and maintaining positive identification, which is the two considerations. So as far as the current regulations are, is that establishing positive identification rests in the crews back at -- the intelligence crews back at the distributed ground stations, DGCS. And those guys are also watching our feed. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Okay. That's perfect. So somebody back on the ground identifies the target, and they can hand that off to you per se. And then you can maintain, establish a visual of that target and then engage as directed.

A Yes. Which, of note, it's a very sticky political issue in the enterprise right now. Because in an F-16, I would be looking at my targeting pod video and I would establish that positive

[REDACTED]

██████████

identification and I would shoot the target or the transport erector launcher or whatever the target is, whereas in the remote-piloted aircraft right now, they have pulled that back from the aircrew because it is remote-piloted aircraft and because we can have intelligence professionals in the background watching the video.

And so, right now, that's a back-and-forth situation, and I don't know, actually, what the current situation is because that was 4 years ago.

Q Does anyone other than yourself have the authority to pull the trigger and launch a weapon from that aircraft that you are in charge of?

A Negative. It's always -- sorry. No. It's always the pilot in command.

Q Talk to me briefly about the weapons and capabilities of the Predator. What assets can they launch, can you launch from your aircraft?

A Okay. So the Predator has two Hellfire missiles, air-to-ground missiles, 114. And those are about 100 pounds each, if I remember correctly. ██████████
██████████
██████████

Q Any other weapons that you carry, or can carry?

A No. So the Predator is the initial model, and that only has two Hellfires. And then the Reaper, which is the MQ-9, that's where you start throwing more Hellfire missiles on there, and the GBU-12s.
██████████

Q Talk to me about how Predators are launched, where they're launched from, that aspect of a mission.

A Okay. So, as far as the remote-piloted aircraft world works, one of the main benefits is 90 percent of the operational squadron can remain back at Creech Air Force Base and at home, and only about 10 percent of the squadron footprint is deployed overseas, and so -- in four of the launch and recovery elements.

And they separate it out with launch and recovery element and mission control element. And so the launch and recovery element is a 10-percent small footprint overseas, which is launching and landing aircraft via line-of-sight radio links, versus the mission control element is flying the remote-piloted aircraft via satellite architecture from Creech and can be flown anywhere in the world.

And so the way we do that is we'll deploy, like, 10 guys [REDACTED]

[REDACTED] And once they're airborne at about 5,000 feet, they'll pass control off to the mission control element back at Creech, and Creech will fly the 18-, 20-hour mission. And then the launch and control element will land the jet at the end once they're out of fuel.

Q How much launch and recovery elements are there?

A There are as many as Department of Defense sees as a need.

Q At the time, in September, at the time of the attacks in Benghazi, how many launch and recovery elements were there that you

[REDACTED]

were aware of?

A Our squadron, if I remember correctly, had about three launch and recovery elements that we would take off and land at.

Q Where were they?

A [REDACTED]

[REDACTED]

Q And were you aware of any others that any other unit had, in terms of launch and recovery elements, and where were they located?

A [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Q The one in [REDACTED], what unit controls that?

A That is launched by, I believe, the 62nd Expeditionary Reconnaissance Squadron, which is attached to the 380th Air Expeditionary Wing [REDACTED] And that leadership chain might have significantly changed over the last 4 years. But they're launched by basically the 18th Reconnaissance Squadron and other Big Blue pilots.

And then the 3rd Special Operations Squadron out of Cannon Air Force Base would fly those missions [REDACTED]

Q What is your understanding of DOD-contracted UAV operations? Are you aware of how many we have? Or how familiar are you with that footprint?

A Very familiar. And you'd have to ask a specific question as to --

[REDACTED]

[REDACTED]

Q Are you aware if there were any contract UAV, remote-piloted vehicles of any kind that were being operated by contractors, in the African AOR at the time of the attacks in Benghazi?

A I can't speculate on that one.

Q If you don't know the answer, that's okay.

A Yeah, don't know.

Q Were there any in the European AOR that you're aware of, in the EUCOM AOR?

A None that I'm aware of.

Q Would you have reason to know if there was?

A No.

Q What is your clearance level?

A Top Secret/Sensitive Compartmented Information and Special Access Programs.

Q Okay. [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

Q So, back to the launch and recovery, we talked about the 18th had those three that you mentioned. You talked about the one [REDACTED] That was the 62nd Expeditionary. Were there any others that you were aware of in that general AOR?

A No. Those would be the closest ones that I know of.

Q Were you aware of any in the CENTCOM AOR?

A Additional ones?

Q Si. I mean yes.

A I was aware of some.

Q Where were they located?

A [REDACTED]

[REDACTED]

[REDACTED]

A Yes.

Q Okay.

Anything else about -- any other launch and recovery locations that you can think of? Any at all?

A No.

Q Within that general AOR.

A No.

[REDACTED]

Q Okay.

What I want to do now is talk a little bit about September 10th. Kind of walk me through what was going on that day. It was the day before 9/11. Were you given any special guidance? What kind of missions were you flying? Et cetera.

A So, as far as back to September 11th, so --

Q Back to September 10th.

A Or September 10th, I -- was actually on the weekend, so I showed up on September 11th.

Q Okay.

A So September 10th, I wasn't there.

Q So we get to September 11th. Are you subject to crew day?

A Yes.

Q Are you subject to crew rest?

A Yes.

Q Is your entire crew subject to both of those?

A The sensor operator and the pilot are. The mission intelligence coordinator is not.

Q Okay.

Talk to me about September 11th. I guess start with, were you tracking or aware of the events that went down in Cairo that day?

A I was not. So I actually got in the seat at -- so as far as another remote-piloted-aircraft-ism here, the aircraft is airborne for about 20 hours, and pilots will swap out for 2- or 4- or 8-hour segments while that aircraft is airborne. And so I was doing other

[REDACTED]

office work and flying other lines and then stepped into the cockpit at 19 Zulu. And we were still over Derna at the time. And I had just set up an orbit [REDACTED]

[REDACTED]

[REDACTED]

Q Back up before that a little bit. Where did that aircraft launch from that day that you were flying?

A That was launched from [REDACTED]

[REDACTED]

[REDACTED]

Q How do you know it was launched [REDACTED]

A [REDACTED]

[REDACTED]

Q Was that aircraft armed?

A Sorry?

Q Was the aircraft armed?

A No, the aircraft did not have Hellfires on it.

Q Could it have been armed?

A I guess "could" is a very subjective term in this case. So the aircraft had pylons which you could put Hellfires on, yes.

Q If it was capable of being armed. Why wasn't it armed?

A So as far as, like, the details of that decision, they're above my level as to why that wasn't armed. [REDACTED]

[REDACTED]

[REDACTED] was that we no longer needed

[REDACTED]

missiles on our aircraft in Libya because it had stabilized from the Qadhafi regime, post-Qadhafi regime.

The second reason is, whenever we don't need missiles on the aircraft, we want to pull them off as soon as we can, because it provides an opportunity to put more gas on board, and with more gas on board, we can fly longer missions and we can provide more intelligence, surveillance, and reconnaissance to the Combined Air Operations Center.

Q At the time did you have or do you now have any understanding as to whether or not the U.S. was allowed to arm Predators

A I do not know what the regulations were for that.

Q If a Predator is armed, are you directed what the target is, or do you have the opportunity or authority to engage targets of opportunity?

A So that depends on the mission set and what the regulations are for that mission set. So when we were taking down the Benghazi -- sorry -- the earlier regime, so that's where you're working on your strike coordination and reconnaissance, SCAR, missions, and that's where we could identify transporter erector launchers, TELs, and shoot them based on our establishment of positive identification. So that's SCAR -- strike coordination and reconnaissance.

In a close air support environment, which is more akin to what this would be, that's where we would coordinate with a joint terminal attack controller, JTAC, on the ground, and he would give us what is

Chairman Gowdy. You mentioned two reasons that it wouldn't be armed -- one, gas, which I think I understand. [REDACTED]

Chairman Gowdy. What formed the basis of your belief there? What informed and instructed your understanding that post-revolutionary Libya was less in need of an armed aircraft than during pre-revolutionary Libya?

As far as the tactical operator level, if we -- "Winchester" is the word we use for when we shoot all our missiles. So it's called "Winchester" if we have no missiles when we go home.

mission set to go out and intentionally strike something and return home, then, as far as an operator is concerned, having that extra gas benefits me, whereas having a missile may not benefit.

However, I do not know what that higher-level organization was, as to what precluded having the missile on board.

Chairman Gowdy. Do you recall when it changed?

Captain [REDACTED] I do not recall when it changed.

Mr. Jordan. So, just to be clear, while Qadhafi is still in power, you were flying these drone missions over Libya, and at that time they were all armed, and once he's no longer in power, they weren't armed. Is that accurate?

Captain [REDACTED] To the best of my knowledge, that is my understanding for what the trigger was for no longer arming the remote-piloted aircraft flying over Libya, was the takedown of Qadhafi.

BY MR. TOLAR:

Q Who told you that?

A That is just circumstantial evidence. Like, we no longer carried weapons around that time. I do not know what the political discussions were behind the scenes.

Q Do you recall a directive saying, "We're no longer going out armed"?

A No. I do not know who made that decision to no longer arm the remote-piloted aircraft.

Q Did you ever ask anyone why?

A No, I did not.

[REDACTED]

██████████

Mr. Jordan. So when you were carrying them and you were flying -- I think the term you used was "Winchester." So when that was happening, was your drone coming back and, you know, you had used all your missiles?

Captain ██████████ Yes. So when we were taking down the Qadhafi regime, that's where we were often going Winchester and returning with no missiles and shooting them all.

Mr. Jordan. How often did the drones come back with missiles still on them?

Captain ██████████ Fifty-percent-of-the-time-ish, I guess.

Mr. Jordan. So half the time you didn't use all the missiles. Or was there ever any time you brought the drones back and they were still fully armed?

Captain ██████████ There was times when --

Mr. Jordan. Pre-Qadhafi-falling, when they were armed and you were going out, were there times when you came back fully armed?

Captain ██████████ I would have to -- I don't know the specifics, but, statistically, there would certainly be times when, even in a 20-hour mission, there were no valid targets that would be worth shooting.

Mr. Jordan. Okay.

Chairman Gowdy. This may be a little bit outside your expertise, although you seem to be a very informed witness, so it may not be outside your expertise. But Derna, at least by reputation, is the

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Q When you were operating over Derna when Qadhafi was still in power, did you have the opportunity to engage targets of opportunity based on what you could see on the ground?

Q But did you, based on what you could see on the ground, just tell someone, "Hey, I see a target of opportunity"?

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

have engaged?

A I did not personally.

Q You didn't.

When the Predator is armed and you are conducting operations, do you require a JTAC on the ground at all times?

A In close air support environments, we always have to have a joint terminal attack controller approve that strike.

Q Always?

A Always. Unless it's the Combined Forces Air Component commander who is directing it, the chariot call sign. Which is most likely not going to be a close air support situation in terms of actual extreme proximity of friendly forces. That would be more of an air interdiction role -- I'm using the term loosely -- but further away from friendly forces.

Q Back up prior to getting in the seat on September 11th, talk to me a little bit about the briefing process, what you were made aware of, prior to taking the stick.

A Prior to taking the seat on September 11th?

Q Yeah. What was your mission that day?

A It was to collect intelligence, surveillance, and reconnaissance based on the essential elements of information over Derna until bingo.

Q And did you receive, like, an operations brief, an ops brief, as to what was going on over there?

A Yes, sir.

[REDACTED]

Q What was the nature of that brief?

A I don't remember the details of it, but big-picture-wise is, [REDACTED]

[REDACTED]

Q Did you receive any kind of an intel brief?

A Yes. So during that same operations brief prior to stepping, I received a 5-minute, approximate, intel brief.

Q Prior to taking the seat, are you monitoring the current pilot in order to get situational awareness of what's going on?

A Yeah. So when we swap out remote-piloted aircraft pilots, we walk up, we talk to them for about 10 minutes, and we get an idea of everything that's going on -- altitude, air speed, fuel state, aircraft state, and then what's going on on the ground, if there's any individuals, what the history is of those individuals, and what their essential elements of information are.

Q So he's literally sitting in the seat, and you're standing right beside him, and you all are talking.

A Yes, sir.

Q In your prior experience, had you ever flown Predators over Tripoli?

A No.

Q Do you know if your unit had?

A Yes, I believe they did. I don't know the details of that.

Q That's all right. Do you know if that was pre-Qadhafi or post-Qadhafi?

[REDACTED]

[REDACTED]

A I do not know.

Q Okay.

Is there anything unique about operating a Predator in Libya?

A I would say one primary difference from Afghanistan is in Afghanistan the air traffic control is controlled by, like, a military aviation, I would say, military control. Versus, in Libya, we were at the time more -- instead of having 100 jets airborne in the airspace at a time, we had 1, which was the Predator, that I know of. And we were functioning more off of civilian air traffic control rules instead of military air traffic control rules.

Q Is that a challenge?

A That is, in a way, because there is less situational awareness of where people are. Whereas, in Afghanistan, because I'm embedded in link 16, which is a picture of where all the military aircraft are, we have better situational awareness of where everybody is. Whereas civilian air traffic doesn't necessarily plug into that link.

Q Were you concerned or was there concern about any kind of ground-to-air assets taking your Predator out?

A I was not.

Q Is there a threat there?

A I cannot speak to the level of threat. I would say it depends. And there's always some level of threat. I would assess it as low.

Q Is a Predator subject to threat from, like, an SA-7? Or

[REDACTED]

[REDACTED]

can an SA-7 even reach a Predator?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Who was the sensor operator working with you that day when you flew that mission?

A That was [REDACTED].

Q [REDACTED]?

A [REDACTED]

Q How about [REDACTED] Was he also one?

A And [REDACTED] was in the seat next to me en route, and then [REDACTED] was with me once we were on target.

Q What is [REDACTED] rank?

A I do not remember. My guess is it would be sergeant.

Q How about [REDACTED]?

A I believe [REDACTED] was a sergeant as well.

Q Tell me again what you call the facility where all the Predator operations are being monitored by the unit.

A The Squadron Operations Center is the central location in the squadron where everything for the different Predator lines or CAPs are monitored.

Q And so you've got a bunch of TVs in there, and they've CAP 1 over here, CAP 2 over there, kind of thing?

[REDACTED]

[REDACTED]

A Yes, sir.

Q Thank you.

When were you first made aware of the attacks on Benghazi?

A I was in the seat flying the aircraft at 20 Z -- or 19 Z, rather. And about 20 Z, so an hour later, is when our mission intelligence coordinator received words of a new latitude and longitude of the Benghazi Consulate or Special Mission Compound and that it was under attack and to start toward that direction.

Q Okay. And go back. Who was the intelligence mission coordinator?

A Ooh. Um -- if you have a list, I might be able to pick it out.

Q I don't.

A Okay. I don't remember.

Q Is it a single person? I mean, one individual?

A Yes.

Q And I'm sorry, are they enlisted or officers?

A She was enlisted.

Q Okay.

All right. So you were told by who, again, to go to this new lat-long?

A Basically from the Combined Air Operations Center, the intelligence coordinator there.

Q All right. So, at that point, you direct your craft to that lat-long. What other instruction did you receive at that time?

[REDACTED]

[REDACTED]

A The information feeding in was extremely sparse at the time. So they gave us latitude and longitude and said the building was under attack and to go investigate.

Q Okay.

A And so I pushed it up to [REDACTED] which is the fastest that a remote-piloted aircraft, the MQ-1, can fly. And so we were burning a lot of fuel in order to get there, which is less efficient, but we wanted to get there as soon as we could.

And so, en route, when we have ad hoc tasking like this, that's where we want to collect as much information as I can, on my way down there. And so that's where, the whole way down -- which the transit probably took about an hour, hour and a half -- was trying to collect information from the Combined Air Operations Center, as much as possible, but it was pretty minimal.

And one of the main things we want to collect en route to an ad hoc target like that is what is the situation on the ground; what are the radio frequencies that we can talk to, whether that's a joint terminal attack controller or a commander or somebody that's on the ground; and then what other players are there so that when we show up we can deconflict our airspace.

And none of that was provided to us. And so the only person they were able to talk to was the civilian air traffic control, and I just was able to coordinate with them and make sure that the airspace was clear over top of the city.

Q Any challenges of getting that done?

[REDACTED]

[REDACTED]

A No.

Q Any other additional actions or deconfliction required to move to that Benghazi airspace?

A No. Just talking to civilian air traffic control.

Chairman Gowdy. When you say civilian air traffic control, what do you mean by that?

Captain [REDACTED] That was a Libyan guy that barely spoke English. And basically we would say, "Hey, we're going here," and he would say, "Okay." And that was the extent of the deconfliction.

Chairman Gowdy. Would they have any reason to know whether or not our aircraft were armed?

Captain [REDACTED] I do not know what their knowledge was of our operations.

Chairman Gowdy. He wouldn't have asked?

Captain [REDACTED] He wouldn't have asked, he wouldn't have known. And there's no -- they wouldn't have been able to tell [REDACTED]

[REDACTED]

Mr. Jordan. But does he know that you're a military asset? Does he know you're military? Or could it just be anyone communicating that some aircraft was coming through?

Captain [REDACTED] Yes, sir, he knows that we are military intelligence, surveillance, and reconnaissance. As soon as we set up an orbit [REDACTED] he knows exactly that we're American ISR.

Mr. Jordan. Okay.

BY MR. TOLAR:

[REDACTED]

[REDACTED]

Q Were you ever aware that evening of any other aircraft and/or ISR assets in that airspace?

A I was not aware of any.

Q Did you subsequently learn of any?

A Sorry?

Q Did you subsequently learn of any?

A As soon as we got word of the Special Mission Compound under attack, we heard that they were launching Jigsaw 04. So we were at Jigsaw 02. We heard that they were launching Jigsaw 04, and so that was the only other intelligence, surveillance, and reconnaissance platform.

Chairman Gowdy. Where would that have launched from?

Captain [REDACTED] That was also launched [REDACTED]

[REDACTED]

[REDACTED] And then they launched and flew across the Mediterranean and went down. And then we went back. So it's kind of back and forth across the Med.

Chairman Gowdy. And I know you said how long it would take. Refresh my recollection.

Captain [REDACTED] So it's about an hour from when they heard, "Okay, you need to launch an aircraft" to when wheels up, and then about 5-hour transit [REDACTED]

Chairman Gowdy. All right.

And you were unarmed, and do you know whether the second aircraft was armed or unarmed?

[REDACTED]

Captain [REDACTED] That would depend on what was precluding Jigsaw 02 from being armed. So if it was a matter of just loading the weapon, it would take an hour. [REDACTED]

Q In terms of the Hellfire missiles that you all utilized, is there anything -- other than just hanging it on the aircraft, is there anything else that has to go into that per se?

Q The Hellfire missiles that you fire, are you using different versions of it?

A There are slightly different versions, but, in general, what we care about is the - [REDACTED]

Mr. Jordan. So, again, how long would it take to -- if a decision had been made to arm the second drone, how long would it have taken to actually physically put the missiles on it and arm it?

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place and if the weapon was already out of storage, on the ramp, then it would only have taken 5 minutes.

Mr. Jordan. Five minutes.

Captain ██████████ But that preceding approval --

Mr. Jordan. Understand, but physically --

Captain ██████████ -- would be significant. But physically putting the thing on there, they can do pretty quickly.

BY MR. TOLAR:

Q And in terms of the Hellfire missiles, do they have to be programmed or anything like that, or any kind of software have to be done to sync it up with your aircraft? Or do you just hang it and it's ready to go?

A It's no different than putting one on a helicopter or A-10 or F-16. As far as all the weapons loading, putting a Hellfire on a Predator is the same as loading a weapon on an F-16 or an A-10.

Q And I don't understand what that means. So my question is, does it have to be prepared in any way, or can you pull it out of the ammo supply place and just hang it on the aircraft?

A You do have to prepare it. So you have to, like, reset it, got through the tests -- so built-in test, BITs, and run all the built-in tests on it by itself. And then also, once it's loaded up onto the jets, regardless of what it is, we run all the built-in tests, and then also pulling the pins and stuff prior to taxi-ing out.

Q How long does that take?

A Again, that would depend on where you're starting from. So

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A All the built-in tests, as far as the pilot is concerned, once the weapon is on the aircraft, I'm going to do that during my normal engine start process.

A I mean, they are the weapons guys. I can't speak to the details of their process. But the weapons guys will pull the weapon out of the weapon storage facility and truck it over and put it on the jet, as far as I know.

Q [REDACTED]

A I have.

Q Do you know where the ammo supply facility is?

A I do not know, and I can't speak to the logistical train of how long that would take.

Mr. Jordan. So, again, I just want to get the time straight. You're flying over Derna. At what time did you switch from there and move to Benghazi?

[REDACTED]

we got words.

Mr. Jordan. 2000 Zulu. Okay. And what time do you get over Benghazi? An hour later?

Captain [REDACTED] At about 2110 Zulu.

Mr. Jordan. At 2110, you're over Benghazi. And then how long are you over Benghazi before the second drone arrives?

Captain [REDACTED] About -- I believe it was about 5 hours. So about 2 to 3 Z is when the Jigsaw 04 arrived over top Benghazi.

Mr. Jordan. And then what happened? Did you then leave, or did you still stay?

Captain [REDACTED] And we stayed until we hit bingo, and then we returned [REDACTED]

Mr. Jordan. And "bingo" is fuel?

Captain [REDACTED] And "bingo" is when we min-fuel, minimum fuel, in order to return to base.

Mr. Jordan. So how long were the two there at the same time?

Captain [REDACTED] And I think -- actually, I'm not sure what the overlap was, but my guess is there wasn't much overlap.

Mr. Jordan. Wasn't much overlap. Okay.

Captain [REDACTED] That was after I was already out of the seat.

BY MR. TOLAR:

Q Talk to me about once you got over the Special Mission Compound. What could you see? What did you do first? You put yourself in an orbit?

[REDACTED]

[REDACTED]

A Uh-huh.

Q Is that a yes?

A Yes.

So, once we arrived at Special Mission Compound -- we slew the turning pod onto the Special Mission Compound en route. [REDACTED]

[REDACTED] we can start to build situational awareness of what's going on. [REDACTED] we can start to see, okay, here's the buildings, here's fires from the buildings, here's a bunch of individuals running around and it looks like chaos.

And once we're [REDACTED] is when we establish the orbit over top, and that's where I established [REDACTED]

[REDACTED] And still trying to figure out who's who and what's going on.

And it looked like there was probably about 20, 30 individuals running around the Special Mission Compound on the outside in unorganized fashion. And so that's usually an indicator that it's not Americans. Americans move with a purpose, and they're in a column or some kind of easily identifiable fashion, whereas these guys were unorganized and running all over the place.

And then, once we established that, we also started descending in attitude down to [REDACTED] which is nonstandard operations, because normally we want to be up higher in order to provide more flexibility and conserve fuel. But I elected to descend down to [REDACTED] because it was obviously a developing situation, so I wanted to provide the best video possible

[REDACTED]

with the best fidelity possible, and that is obviously decreasing the attitude in order to provide that.

Q Did you need permission to go decrease?

A Again, going back to, like, the air traffic control agreement is, it's sort of permission, but we're also just telling them that we're descending.

Q Did you need permission from your higher headquarters?

A No. I just elected to make that choice.

Chairman Gowdy. How much clarity do you have at your lowest level? The lowest attitude that you were flying, how much clarity? For those of us who have never seen what you do for a living. You mentioned a number of people, a rough number of people. How much detail can you see at that point?

Captain [REDACTED] So, [REDACTED] -- it depends completely on the targeting pod on the aircraft. So the jet I had that day with the targeting pod, I had that day, [REDACTED] I could see whether an individual has a pitchfork or doesn't have a pitchfork walking around, but I can't tell you whether it was a pitchfork or a rifle. And you could tell, you know, the difference between a dog and a person, and I can tell whether it's a Toyota truck or a car, but I can't read the license plate on the car.

BY MR. TOLAR:

Q Does it matter whether it's day or night?

A No, it's about the same. The main value of daytime is color. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Once you're over the compound, you're in orbit, what have you learned at this point about what's down below you? What have you learned through your ears, what you're hearing, what you're being told, about what's down below you?

A So there's still very minimal information being passed from the Combined Air Operations Center because I wasn't sure -- or I guess they weren't sure of the situation. And this is where it's abnormal, is that because it's not like Afghanistan, there's no joint terminal attack controllers embedded with you now on the ground.

So, normally, when we would show up to a troops and contact situation, I'm expecting there to be a joint terminal attack controller on the ground with a radio to start telling me what he wants me to look at. Because I'm just guessing as to what's going on and trying to identify the compound and the individuals, whereas if he can direct the targeting pod and direct our crew to optimize the intelligence that we're gathering, then that's far more effective for his team.

But since there wasn't that situation going on, then we were identifying, okay, there's 20 individuals growing rapidly that are throwing homemade explosive incendiary things through the windows or Molotov cocktails, and explosions going off.

And the number of people in the area was increasing rapidly, because just the nature of that area, or human nature really, is that as soon as explosions are going off, then spectators start flooding

[REDACTED]

██████████

to the area. And so, initially, I would say there was probably about 20 people, rapidly increasing to hundreds, in the area.

And we would zoom out -- and our tactical plan is always to be focusing on the compound, to provide the best picture possible for the majority of the time, but then, every few minutes, zoom out and just capture a big picture of, since we can't look over the rail in our jet, to get a good idea of, okay, how many individuals are flowing in and out of the area, what are the vehicles in the area, are there guys with higher-caliber weapons or are we just talking small arms, or what else is going on, in order to develop a big picture of what was going on, and then zoom back in and identify, okay, now back in the Special Mission Compound, what's going on.

And then eventually we got word that another building, probably about 100 yards away, was also being attacked. And so that's where we zoomed out and tried to capture both those buildings in the field of view, and going back and forth between the two.

Chairman Gowdy. Who else had access to your feed?

Captain ██████████ All I know is that it was being replicated in the Combined Air Operations Center, on the floor there.

Mr. Tolar. Let's go off the record for a minute.

[Recess.]

BY MR. TOLAR:

Q So, when we broke, you were telling me a little bit about what was going on, what your understanding was of the compound at the time you were conducting your orbits. At that point, did you -- or

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when did you learn what the compound was? Who was down there? Et cetera.

A I do not recall when we learned details. I think they were starting to filter in very slowly. And I think the extent to which I understood what was going on was that it was an embassy-type consulate building, and it was American, obviously, and there were guys in there that were under attack.

And we were trying to coordinate for rescue efforts and trying to figure out when those would be there and how to deconflict with them when they arrived. But there was no details as to how many players were there. Because, normally, for a medevac, medical-evacuation-type scenario, as part of the on-scene commander, my role would be to collect as much information about the individuals and assess their state and provide all that to the rescue effort. But since we weren't able to contact anyone down there, we weren't able to assess the situation.

Q The entire time you were over that Special Mission Compound, did you ever have contact with anyone on the ground?

A No.

Chairman Gowdy. How would that communication have taken place or occurred if it -- what would have made it feasible or possible?

Captain [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Chairman Gowdy. I'm just going to make an assumption, and if the assumption is wrong, you correct me. Given the fact that you had a certain counterterrorism mission and given that there was more than one U.S. entity involved in Benghazi, those of us who are not in the military just find it stunning that you would not be able to talk to people who are also doing counterterrorism activities while you are operating an aircraft in a counterterrorism mode.

Could you talk to them when the conflict was going on, when the civil war was going on?

Captain [REDACTED] That is a good question. As far as, like, interagency coordination, it would certainly be something that we, as the United States, could get better at.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Additionally, in that situation, where bullets are already flying, things are already burning, and people are already dead, even if there was a joint terminal attack controller there, he probably wouldn't get on the radio and talk to a remote pilot of the aircraft that was airborne because he's going to be wasting extremely valuable time and situational awareness talking on the radio to somebody that's not going to help him in the next 30 seconds before his guy next to him gets shot as well.

And so, normally, what we see in troops in contact situations like this in Afghanistan is those guys are not too concerned with talking on the radio; they're more concerned about getting out of the immediate hostile situation. And then, once they've established their safe zone, then they can start calling in air strikes.

But even that said, in this situation, there would be no way to call in air strikes because it wasn't a traditional close air support situation where the friendlies were separate from the hostile forces. Everything was mixed up by the time we already showed up. So even if we did have Hellfires on board and even if there was a joint terminal attack controller that could give us clearance to shoot, there's still no way that we could have shot, because the collateral damage would be enormous and there was no way to confirm what the target was.

[REDACTED]

[11:23 a.m.]

Chairman Gowdy. [REDACTED]

[REDACTED] how much collateral damage is there going to be [REDACTED]

[REDACTED] How big is the impact?

Captain [REDACTED] So if I was shooting this [REDACTED]

Chairman Gowdy. Did you know the CIA had a facility in Benghazi?

Captain [REDACTED] No, sir, I did not.

BY MR. TOLAR:

Q Prior to that evening, did you have any situational awareness of the State Department facility and the Special Mission Compound?

A No, sir. We had no situational awareness on where the American buildings were in the country.

Q Even when you were doing initial post-Qadhafi operations, you were never made aware of those facilities?

A No, sir. At least for me, as a tactical operator, on my level, I did not have a map of what were American facilities and what were not.

Q When you were doing post-Qadhafi operations prior to the

[REDACTED]

[REDACTED]

Benghazi event, did you ever have an opportunity to speak with anyone on the ground who was an American to talk about targets of opportunity, anything like that at all?

A No, sir. The way all that would flow and was flowing was from whatever agencies were on the ground up to the Combined Air Operations Center and then via the Combined Air Operations Center down to our mission intelligence coordinator and then to me.

Q As you're doing your orbit, are you talking about what you see? Or the fact that everybody's looking at the same screen, is there reason to discuss that? What's going on?

A As far as how much is said and what detail and all that is dependent on the crew and what the pilot in command starts driving. But the main thing, I like to brief, and in the situation that we were doing is we were talking, verbalizing everything that we were seeing. Because if we're talking, me and my sensor operator next to me and the mission intelligence coordinator, then it keeps everybody on the same page and helps with our crew resource management.

Mr. Jordan. And who is responsible for passing that information, what you're seeing -- you're all talking. Who's responsible for passing that information to your commander, to your higher-up? Is that you?

Captain [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

██████████

Mr. Jordan. Okay. Oh, so he's actually -- that individual, he or she, is the one that's primarily responsible for communicating what you're seeing and what you are interpreting is going on.

Captain ██████████ Yes, sir. So, basically, as far as the breakdown of roles and responsibilities in the crew, the pilot's flying the jet, putting it in the right place at the right time; sensor operator's controlling the targeting pod and looking at the right thing; and then the mission intelligence operator is documenting everything as fast as they can.

Mr. Jordan. And who was the mission intelligence coordinator that evening?

Captain ██████████ That's what I can't remember. If you have a list, I might be able to pick out the name, but I can't remember.

Mr. Jordan. Okay. And they're passing it to the command center?

Captain ██████████ Yes, sir.

Mr. Jordan. All right.

BY MR. TOLAR:

Q Is there somebody in the command center that's doing something similar as they watch that video in live -- it's real time to them, right?

A Real time.

Q Is there somebody in the center that's doing something similar to the mission intelligence coordinator?

A Well, I haven't been to that exact command center before, but, in general, those feeds are being displayed on one of the 10,000

██████████

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screens in the operations center, and there's people watching it and making decisions off of that intelligence as it's flowing through. So whoever was in the operations center coordinating the rescue effort was probably watching the screen ██████████

Q At some point, were you given direction to relocate the aircraft?

A From the Benghazi Special Mission Compound?

Q Check.

A I was not. I was out of the seat. But then I swapped out with a British guy, actually, after me. And he, I think, was relocated to a different compound.

Q So you were in the seat from 2100 to 0100, 4 hours. Does that sound correct? Libyan time.

A Shifted left 2 for Zulu time.

Q But yes.

A But 4 hours.

Q You were in the seat for 4 hours?

A Yes, sir.

Q And the entire time you were in the seat, you were either in eastern Libya or over at Benghazi and nowhere else?

A Yes, sir.

Q Okay.

Mr. Jordan. When you were over in Benghazi, was your time just spent over the temporary mission -- I just want to be clear -- the temporary mission facility, or did you also then move and go over to

██████████

██████████
the Annex?

Captain ██████████ I was over the Special Mission Compound, and there was another building about 100 yards away that we also pulled into our field of view, and it looked like it was under attack, but just that Special Mission Compound area.

BY MR. TOLAR:

Q Did you ever leave that and look at the airport or anything else?

A No, we did not.

Q It appeared, looking at the schedule of the operators that day, there wasn't really a consistent pattern as to how long folks were in the seat. Is that typical? Can you talk about that?

A As far as manning-wise, we'll show up and we'll optimize the schedule based on who's available and what lines are up that day. And so, if there's bad weather in Afghanistan, we'll reflow guys into the Libya area of responsibility; if weather is bad here, we'll reflow guys over there.

And so, on a typical day, if we have four lines up, then the minimum number of pilots we would need would be four guys in the seat for 8 hours, for all four of those lines, and then somebody that's supervising the flying. And so we'd have to have five pilots.

Then, if you have six, then you can break one of those lines up and he can do 2 hours. And then now it's down to 6 hours and 2 hours. And then if you have seven guys, now it can be four and four. And you just continue throwing guys in there until the chunks are blocked out
██████████

by -- the minimum, usually, is about 2-hour chunks.

Q And do you know a day in advance what your window is for flying?

A They publish the schedule a week prior and then can flex it based on weather the day of.

Q And were all the pilots that operated Jigsaw 02, your aircraft, were they all in your unit?

A Yes, sir. They were all fully qualified pilots in my unit, and we were all interchangeable, basically.

Q So you complete your seat time for that mission. When you get out of the seat, what do you do?

A When we get out of the seat, we go and we debrief with the supervisor of flying, let them know what we saw, if there was any aircraft issues, maintenance issues, what the status was, and then basically wait around for whether we're flying again or go home.

Q Did you have any aircraft or maintenance issues that night?

A Not that I can remember.

Q What was the gist of what you shared with your supervisor once you got out of the seat and briefed him?

A For this situation, it was very different than normal because he was on headset the entire time. So the supervisor of flying can tap into whatever line he wants and to listen in to the headset. And because this was a noticeable incident, then in the Squadron Operations Center, they turned all the TVs to my line, and then the supervisor of flying was listening on headset the whole time.

So I just said, "Hey, I just swapped out. We have this next guy. He's in there right now. [REDACTED] and it continues to be an unstable situation on the ground."

Q Did you ever have to write up any kind of after-action report or anything of that nature?

A No, sir. The mission intelligence coordinators would sometimes write up stuff, but those are mostly for task force raids in Afghanistan. And so, this date, we went back and we checked the records, [REDACTED]

Q Who's "we"?

A The pilots that were on there.

Q And did the 18th Reconnaissance units ever request your input or disseminate any kind of after-action report about y'all's actions with regard to your response in Benghazi?

A No, sir. The first time I heard of this was about a month ago. After I got out of the seat that day to a month ago, I didn't do anything with Benghazi.

Q What did you hear a month ago?

A That I might come here.

Q Who told you that?

A My wing commander, Colonel [REDACTED] And sorry, I use the term "a month" loosely, plus or minus 3 weeks.

Q Talk to me briefly -- never mind. Excuse me.

At what point did you learn Americans had died down below? Was

[REDACTED]

that during your flight time or afterwards?

A After I got out of the seat, I went to the gym, and I saw it on Fox News.

Q Is that when you also learned about the Ambassador?

A Yes. And that's where I learned [REDACTED]

[REDACTED]

Q And, again, do you have any knowledge of any Predators and/or other ISR app sets operating over Tripoli in that September 11th, 12th, 13th timeframe?

A All the Predators that our squadron was in charge of were all flying [REDACTED] with Jigsaw 02 or Jigsaw 04 call signs. And my understanding is we continued to launch Predators to keep them overhead 24/7, was the goal.

Q Are you aware of any discussions to move or launch a Predator aircraft over Tripoli?

A I do not know whether we ended up sending them to Tripoli or not.

Q Are you aware of any discussions about that? Were you privy to those or --

A I was not.

Q Thank you.

How would you describe the Predator community? Is it a large community? Small community?

A The Predator community is expanding rapidly. Right now, I would say there's probably about 1,000 pilots and 1,000 sensors.

[REDACTED]

██████████

Creech Air Force Base is the primary location. The 432nd Wing and 432nd Air Expeditionary Wing is the primary location at Creech Air Force Base. However, now there is Holloman Air Force Base and about a dozen Guard units and Reserve units.

Q But, for the most part, Creech is center mass or the center of the world for the Predator community?

A Yes, sir. And then Special Operations has theirs at Cannon. So Big Blue is at Creech, and Special Operations Command has theirs at Cannon Air Force Base.

Q As a pilot, are you generally familiar with most other pilots and sensor operators?

A No. I would say I barely know a third of the guys. In the 18th Reconnaissance Squadron, because there are three different shifts -- there's days, nights, and then in the middle -- we would only be familiar with the guys on shift.

Q Do your shifts change, though? I mean, do you have a middle shift, a day shift that changes from month to month or something?

A Every month, approximately, the shifts would rotate to the next shift. So all the guys in days would go to evenings; all the guys in evenings would go to nights.

Q But you stay with the same core group?

A Yes, sir.

Q In May of 2013, someone claiming to be a sensor operator said their name was John from Iowa, and they called into the Hannity radio program. Are you familiar with that incident?

██████████

[REDACTED]

A Yes, sir. I have listened to that.

Q How are you familiar with that incident?

A I just heard of it about a few weeks ago, and so I went back and listened to it on YouTube and basically listened to the interview.

Q What caused you to become aware of that incident?

A That was basically ginning up for this visit here is when I learned about it.

Q Did someone tell you to go listen to it?

A No. I just heard that he had talked to Hannity show, so then I Googled it, and it was on YouTube.

Q But who told you that he had talked to the Hannity show?

A I don't recall.

Q Was it a peer or was it a supervisor?

A I don't remember.

Q You listened to that?

A [Nonverbal response.]

Q Is that a yes?

A Yes.

Q And after you listened to it, were you able to identify that person?

A I was not, but I then talked to his old supervisor and he confirmed it.

Q And so you know who that person is?

A I do.

Q Was he in your unit at that time?

[REDACTED]

[REDACTED]

A Yes.

Q Who was your supervisor that you spoke with about it?

A That I can't remember. I forget his name, I should say. I know what he looks like. But he has since retired from the Air Force.

Q Okay.

A And he still works with the 18th Reconnaissance Squadron as a contractor.

Q What's his job as a contractor?

A I do not know.

Q Is he in the operations? Is he in admin? I mean, just generally, where does he work?

A I don't know. Actually, I hadn't spoken to him for 4 years. So I just went over there, and we listened to the YouTube clip. And then somebody pulled him in, and he was like, "Oh, yeah, that was John, from Iowa, [REDACTED]."

Q Was it common knowledge who he was?

A It was to him, because they were friends and stayed in contact, and his voice is recognizable.

Q Do you know anything else about that individual?

A No. He was a different shift than me, so I didn't know him very well.

Q Is he still in the unit?

A No. He is at Beale Air Force Base.

Q Do you know who [REDACTED] is?

A I do not.

[REDACTED]

Q Do you know who [REDACTED] is?

A No.

Mr. Tolar. I'll tell you what, let's go off the record.

[Recess.]

Ms. Green. We can go back on the record. The time is almost 20 to 12, and we don't have any -- we're close to an hour.

Captain [REDACTED] again, we appreciate you being here, and we appreciate hearing your account of that night. I just have a few questions about what my colleagues asked you about.

EXAMINATION

BY MS. GREEN:

Q During the first hour, my colleagues asked you about your knowledge of ISR missions being suspended in Benghazi, and I believe you indicated that you were not involved in discussions or decisions surrounding whether or not to suspend operations over Benghazi. Is that correct?

A Armed intelligence, surveillance, and reconnaissance missions were suspended. Is that what you're referring to or --

Q No.

A -- actual aircraft flying over? I do not know if aircraft continued to fly over Benghazi or not, but while I was in the unit we were still flying over Benghazi.

Q Okay. Were you conducting missions over Benghazi in September 2012, other than the nights when you were redirecting?

A Yeah, prior to September 11th, I do not remember -- I

[REDACTED]

personally didn't fly over Benghazi. However, it was a very fluid environment, and so wherever they would say to investigate, then that's where we could move the aircraft. So I'm not sure what latitudes and longitudes they were at prior.

Q You mentioned that you always need a JTAC on the ground in order to fire missiles, correct?

A Yes.

Q What is required to serve as a JTAC?

A So the joint terminal attack controllers have to go through an extensive training program and be certified. And they have to be documented on our list of approved joint terminal attack controllers from the operations center.

Q So would, for example, a former member of the military who may have been serving as a personal security contractor on the night of the attacks, would someone in that role be capable of serving as your JTAC?

A Somebody as a prior-qualified JTAC could carry that qualification as a civilian, possibly. But the problem is they might have the skills but, as a civilian, there's no way they could call in air strikes. So it would have to be an Active Duty military, as far as I know.

At least, I don't know of any situation where a military person would release weapons and go kinetic based on a civilian direction. That would be from the President.

Q So a contractor couldn't do that for you.

[REDACTED]

A Correct.

Q But, just to be clear, on the night of the attacks, you were not armed.

A Correct.

Q And you had no communications on the ground in Benghazi, right?

A Correct.

Q My colleagues asked you about the unique aspects of operating in Libya as compared to Afghanistan, and I just wanted to ask you about that. And I think you said in Afghanistan you would have a military air traffic controller, whereas in Libya you had civilian. Is that because of the military operation in Afghanistan?

A Yes, ma'am. And, also, just in light of what we just said a few minutes ago, too, the air traffic control was different -- military in Afghanistan, civilian in Libya. But then also, as far as, like, JTACs on the ground, in Afghanistan, there's JTACs embedded in all the units all over the place in Afghanistan and the tactical operations center and everywhere, and Libya, as far as we knew at the time, there was no JTACs in all of Libya.

Q Okay. And you would follow, presumably, civilian air traffic control coordination in other countries as well. Is that --

A Yes, ma'am. So we would always follow -- I mean, there is an element in Afghanistan that is civilian air traffic control, as well, but in other countries it's only civilian air traffic control.

Q Okay. So that's not unique to Libya.

[REDACTED]

[REDACTED]

A That's not unique.

Q Are you aware of the U.S. military assets that were deployed on the night of the attacks?

A As in the rescue effort? I do not know any details about the rescue effort.

Q My colleagues asked you in the last round a number of hypothetical questions surrounding arming a Predator and how long that might take, and I think you mentioned it would take 5 minutes to load. If the weapon was out of storage, how long would it take to get something out of storage?

A And that's where it's getting into the "it depends" realm. The 5 minutes is if the weapon is sitting next to the plane and the weapons loaders put it on there and tighten it down.

Then, as far as logistical training prior to that, that's where now we're talking [REDACTED] depending on where the weapon storage facility is, how we're going to coordinate to get those weapons over to the aircraft and get them on.

And then the lead time on that is whether we even have weapons in the weapons storage facility or not. I don't know whether there were weapons [REDACTED]

And then the lead time before that is the political coordination of whether we're approved to have weapons [REDACTED]

[REDACTED]

Q And, again, even if you were armed over Benghazi that night, I think you mentioned there were issues with collateral damage if you

[REDACTED]

██████████

were to fire and not know precisely what your target was or who the friendlies were on the ground. Were there other concerns you might have as a pilot?

A So, to kind of reference that, so the two primary concerns would be: One is there's no military-certified joint terminal attack controller on the record that I can talk to. And without a call sign of somebody that's certified, then it would have to be self-defense before you start shooting missiles off the rail without somebody that's certified.

Then the second part of that is -- sorry, self-defense of my jet.
Clarification.

Q And is that because you follow the law of armed conflict?

A In the rules of engagement.

Q In the rules of engagement. Okay.

A And then the second piece to that is like what you're talking about, where because it's a close air support situation and we have friendlies mixed with the aggressors all in the same spot, then there is no way to avoid collateral damage in that situation. So there is no way we would shoot a Hellfire into a situation where we don't have clear understanding of where the enemy is and where the friendlies are.

Q This is now the eighth congressional investigation into the attacks in Benghazi, and we want to make sure it's the last one. So we're actually asking every witness a series of questions. Some of them may not relate to you, but it is our understanding that our colleagues continue to investigate these allegations, and that's why

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we ask every witness.

And while anyone can speculate about the Benghazi attacks, what we're asking for today is not your opinion but whether you have personal knowledge or evidence to support any of these allegations. If you do not, we will simply move on to the next question.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I have no evidence.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No evidence.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A I have no evidence.

Q Do you have any evidence that Secretary Clinton was

personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No evidence.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

A No evidence.

Q Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya?

A No evidence.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found no support for this allegation.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No evidence.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya

██████████

to Syria or to any other foreign country?

A No evidence.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that, instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A No evidence.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No evidence.

Q A concern has been raised by one individual that, in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department

██████████

removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No evidence.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No evidence.

Q And let me ask the same question for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No evidence.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No evidence.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No evidence.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No evidence.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No evidence.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations.

Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No evidence.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No evidence.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy them?

A I guess -- theoretically, that would depend. Because you could put a battalion of troops around the Embassy a month prior, and that would help. So maybe -- say that again?

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks --

A Oh, okay. No.

██████████

Q -- that could have saved lives but that the Pentagon leadership intentionally decided not to deploy them?

A Based on the layout of that night, no evidence.

Ms. Green. Captain ██████████ that concludes our questions. And we thank you for your service to the country and thank you again for being here today.

We can go off the record.

Mr. Tolar. Let's stay on the record. I've got a couple more. I'll finish up.

BY MR. TOLAR:

Q Real quick, talk to me about what the target set is for a Hellfire. What do you use a Hellfire to take out?

A Normally, troops in the open are soft targets. So not hardened shelters and not hardened vehicles, armored vehicles.

Q But a Toyota technical with a weapon on the back or troops in the open?

A Grass huts, Toyotas, and troops in the open.

Q When you were flying over the SMC, the compound, did you ever zoom out and locate the Annex? Were you able to do that -- or, first of all, did you do that?

A No.

Q The whole time that you were flying over the compound, were you ever made aware that the Annex existed?

A No.

Q During your orbit over the compound, did you witness several

██████████

vehicles leaving the compound in a hurry?

A I noticed individuals leaving the compound in a hurry. And we tracked them to vehicles nearby. And then they stayed there, and so we returned back to the compound.

Q You never witnessed vehicles leaving the compound, vehicles being loaded up and leaving the compound?

A No.

Q The vehicles that were outside the walls that you saw witnesses -- or you witnessed people get in, did you track those vehicles, where they went to?

A No. We never saw them move. So we slewed off of the primary compound onto these --

Q What do you mean by "slew"?

A "Slew" being the verb to move the targeting pod.

Q Thank you.

A So we slewed the targeting pod, following the individuals maybe 50 yards from the compound. And then they stayed there for a while. But then, in order to continue to have intelligence, surveillance, and reconnaissance on the Special Mission Compound, we returned to the compound.

Q So, just to be clear, while you were over the compound, were you ever made aware of the Annex and what was happening over there, the fact that it was getting shot at or anything of that nature?

A No. And I did not know where the Annex was. We knew -- there was another building within 100 yards that we zoomed out

██████████

and captured, but my understanding is that is not the Annex and the Annex is different.

Q Was that building basically inside the compound, or was it outside?

A That depends on how you define "the compound," I guess. It's 100 yards, the same field.

Q Okay.

And, again, while you were operating over the compound, there was no coverage of the Annex whatsoever. Is that correct?

A As far as I know.

Q After you got out of the seat that night, when was your next mission?

A I do not remember.

Q Was it the next day?

A Possibly the next day or a few days, depending on manning.

Q Do you recall if it was a Libya mission?

A I do not recall what the next mission was.

Q You said you were replaced by a U.K. exchange pilot?

A That night, a U.K. exchange pilot replaced me in the seat, so I gave him the spin-up. And he is fully qualified, and sat him in the seat. And he flew the next few hours before they hit bingo fuel status and had to return to base.

Q Do you recall his name?

A ██████████ I believe.

Mr. Hudson. I think we'll go off the record.

██████████

[Discussion off the record.]

BY MR. TOLAR:

Q Is a U.K. exchange pilot authorized to engage with a kinetic device?

A Yes. So they are fully embedded in our units and in the remote pilot aircraft squadrons, and they are trained and qualified just as we are. And in Afghanistan, they go kinetic with us the entire time.

And then, also, in terms of the Qadhafi regime, they were just as involved in taking down the Qadhafi regime as the rest of us were.

Q Do you know who sensor operator [REDACTED] is?

A I do not.

Q So even though he might have -- assuming he was in the 18th and he was in your shift, you still wouldn't -- doesn't ring a bell? That name doesn't ring a bell?

A It doesn't, but that's partly due to it being 4 years ago.

Q After the Jigsaw 02 -- at some point, obviously, Jigsaw 02 came back [REDACTED] Do you know if Jigsaw -- excuse me. Obviously, at some point, Jigsaw 04 [REDACTED] Do you know if Jigsaw 02 was launched to replace it?

A I do not know the details, but standard operating procedures is, as soon as Jigsaw 02 was on the ground, they were to start refueling it and prepping it to launch again.

Q And, again, y'all were in a basically two-craft rotation. Is that correct?

[REDACTED]

[REDACTED]

A Yes, sir, with additional spares probably on the ground. But as far as operating, they would plan on having at least one aircraft airborne over the target area 24/7. And in order to make that happen, you have to have one on the way out, one on the way back, one being in maintenance to make that happen.

Q And, again, typically, when the handoff occurs -- did you ever execute a handoff with another aircraft at any time in your career?

A Yes. Yes, sir.

Q When that handoff occurs, typically, are both aircraft in an orbit together and then one peels away? Or how does that work?

A Yes, sir. So, operationally, the aircraft that's on station will be in the orbit at a given altitude, and then the in-bound aircraft will coordinate all the details of the essential elements of information, the update on the status, the aircraft in the stack of aircraft that are over top of the target -- all that background information en route over either the radios [REDACTED] just walking next-door and talking to the guy.

And then, once the replacement aircraft is on station, they'll establish an orbit [REDACTED] the aircraft that was already there. And then, once the replacing aircraft says they're good and they have maintained positive identification on individuals or whatever the target area is, then they'll clear the departing jet to go home.

Q And last question, just to make sure I'm clear: During your mission over the SMC, were you ever made aware that the Annex existed?

[REDACTED]

██████████

Were you ever made aware that it existed?

A I cannot remember the details on that, on the Special Mission Compound versus the Annex. At the time, we just knew there were multiple buildings. And there was basically, like, three parts of the compound that we were familiar with. There was the primary compound that was burning; there was this adjacent building that was about 100 yards away that started to come under attack; and then there was a small, like, hut where the vehicles were. And I'm not sure whether that was all one compound or whether there was segments.

Q So, that night, approximately a kilometer away was an Annex.

A Okay.

Q Were you ever made aware of that facility? And that Annex was the home of another executive agency organization. Were --

A No, sir.

Q -- you ever made aware that that place existed the entire night you were in the seat?

A Not that I recall, sir.

Mr. Tolar. Okay. All right. Thank you again for your service. Appreciate you being here. It was very helpful.

We're off the record.

[Whereupon, at 12:07 p.m., the interview was concluded.]

██████████

**INTERVIEW OF
REMOTELY PILOTED
AIRCRAFT PILOT #2**

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 25, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

MAC TOLAR, *Senior Counsel*
SHERIA CLARKE, *Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*

FOR THE U.S. DEPARTMENT OF DEFENSE

EDWARD RICHARDS, *Office of the General Counsel*
WILLIAM HUDSON, *Office of the General Counsel*
Colonel * * *, *Air Force Legislative Liaison*
Major * * *, *Air Force Legislative Liaison*

██████████

Mr. Tolar. This is a transcribed interview of Major ██████████ ██████████ United States Air Force, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Would the witness please state your name for the record.

Captain ██████████ ██████████

Mr. Tolar. The committee appreciates your appearance today. Thank you for taking time out of your work schedule to come here and help us out with this. It's much obliged.

Captain ██████████ Sure.

Mr. Tolar. My name is Mac Tolar and I'm with the committee's majority staff.

At this time, I'd like to ask everyone in the room to please introduce themselves for the record.

Ms. Clarke. Sheria Clarke, minority staff.

Ms. Green. Shannon Green with the minority staff.

Ms. Cohen. Linda Cohen, minority staff.

Mr. Hudson. Bill Hudson from the Office of the DOD General Counsel.

Mr. Richards. Ed Richards from DOD OGC.

Colonel ██████████ Colonel ██████████ ██████████ Air Force legislative liaison.

██████████

Major [REDACTED] Major [REDACTED] [REDACTED] Air Force legislative liaison.

Mr. Gowdy. Trey Gowdy, South Carolina.

Mr. Tolar. As you can see, we've got an official reporter taking down everything we say to make a written record. Accordingly, I would ask that you provide verbal responses, such as "yes" or "no," to all questions as opposed to nods of the head. I'm going to ask the reporter to please feel free to jump in at any time to keep us in line.

Also, please understand that although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this.

Do you understand this?

Captain [REDACTED] Yes.

Mr. Tolar. Is there any reason you are unable to provide truthful answers to today's questions?

Captain [REDACTED] No.

Mr. Tolar. Shannon?

Ms. Green. Thank you for agreeing to appear voluntarily.

Captain [REDACTED] Sure.

Ms. Green. And I have no questions right now, Mac.

EXAMINATION

BY MR. TOLAR:

Q Sir, are you aware of what the Accountability Review Board

is, also known as the ARB?

A I'm not.

Q Have you ever heard of that?

A No.

Q Other than today, have you ever been questioned or interviewed about the events in Benghazi?

A I have not.

Q By either Congress or your military units?

A No.

Q Thank you.

At this time, please talk to me a little bit about your military background. I'm not worried about school so much. Talk about your jobs in the Air Force.

A Okay. I guess, I commissioned in December of 2007. And my first --

Q How were you commissioned?

A ROTC.

Q Thank you.

A And I went through pilot training at Laughlin Air Force Base in Texas. And then my first assignment was to go to Creech Air Force Base to fly the MQ-1 Predator, spent 3 years flying that. And that was from 2009 through 2012. Finished up that assignment essentially in October of 2012. And since then have flown the T-6 at a pilot training base in Columbus, Mississippi.

And I'm currently transitioning from that assignment to retrain

in the MQ-1 Predator for my follow-on assignment at [REDACTED]

[REDACTED]. I'm currently TDY at [REDACTED]

Q And is that where you're getting your updated training?

A That is.

Q And the follow-on job you're going to [REDACTED], what's that base?

A It's [REDACTED].

Q What's located there?

A They have -- I guess, what I'll be doing is flying the MQ-1 Predator again.

Q How many hours do you have on the Predator airframe?

A Somewhere around 940.

Q How many hours on the T-6?

A About the same, 940, 950.

Q And just talk to me briefly about what you were doing in the T-6.

A I was instructing pilot trainees on how to fly. So it was the first Air Force aircraft they fly.

Q And at the time of the attack in Benghazi, what was your job?

A I was an MQ-1 instructor pilot.

Q Where were you stationed?

A Creech Air Force Base, Nevada.

Q And what was your unit?

[REDACTED]

A The 18th Reconnaissance Squadron.

Q Who was your commanding officer?

A Lieutenant Colonel [REDACTED]

Q And is he still in the Air Force, to the best of your knowledge?

A Yes.

Q And do you know where he's located?

A I think he's in Europe. I'm not certain.

Q In the summer of 2012, in the August timeframe, ISR missions over in Libya were suspended due to alleged complaints from Libyans. Are you aware of that?

A I don't -- I'm not now, and I'm not aware of being in the loop on that in the past.

Q So let me ask it again just to make sure. At that time when you were flying for the 18th, were you ever -- when you were -- in August of 2012, you were assigned to the 18th and you were flying Predator missions, correct?

A Correct.

Q Were you flying missions into Libya?

A During that time, I'm not 100 percent certain, but I'm sure I was just -- that was one of our theater of operations.

Q Had you ever flown missions in -- have you ever flown missions into Libya?

A Yes.

Q At any time during that -- while you were doing that, were

[REDACTED]

ever informed of any type of restrictions associated with operating Predators in Libya?

A If I was, I don't remember.

Q No worries.

Talk to me a little bit about what the Predator capabilities are in terms of weapon systems.

A Just in general or --

Q Yes.

A Let's see, I guess, so we have a -- several cameras on board, day TV camera, IR camera. We have an IR pointer. We have an LRD. I forget specifically, I can describe what they do, but I forget what the acronym stands for. It's basically the laser that guides missiles. And then, you know, we have the ability to shoot a Hellfire and laser guide that as well.

Q How many Hellfires can you carry at one time?

A At most, two.

Q What would a Hellfire be used for in terms of targets?

A It's primarily used for striking individuals out in the open.

Q How tight or close can you get to your target with a Hellfire missile?

A You mean with the aircraft or the actual strike itself?

Q Well, using that aircraft to launch that weapon, how close can you get to a target? What kind of target -- what's the smallest thing you can hit? How exact can you get?

[REDACTED]

A I mean, I can, I guess, speculate a little bit and --

Q [REDACTED]

[REDACTED]

A Sure.

Q [REDACTED]

A Sure.

Q Okay. What is the collateral damage associated with that?
How big is the impact zone from that? If you don't know, that's okay.

A Yeah, I'm not sure. I'd be guessing.

Q And as we go forward, if you don't know the answer, that's
perfectly fine. Just please say that. Please do not guess or
speculate. Thank you.

A Okay. Perfect. Yeah.

Q Tell me, walk me through, let's see, September 11th,
obviously, did you work that day at all? Do you recall?

A You're talking the night of the attacks?

Q I'm sorry, yes.

A Yeah. Yes. And I guess looking back through the 781
flight records, yeah, I guess I was working that night.

Q Talk to me about September 11th. So it's the anniversary
of the big attack. Did you receive any guidance from your higher
headquarters about special planning or safety precaution that needed
to be taken with that regard?

A Not that I remember.

Q Okay. And that day in Cairo, there was an incident at the

[REDACTED]

embassy, the U.S. Embassy in Cairo. Were you aware of that?

A I was not.

Q Did you subsequently learn of that?

A Not that I remember.

Q So walk me through what you were doing on the 11th in terms of your mission. Did you fly that day?

A Yes.

Q And where would you fly?

A It was in Libya, I guess, over Benghazi. And just as I recall, the vague memories that I have of that time, I just remember them pushing us from what happened to be the -- one compound, which I guess was the -- my understanding it was the special forces or special operations compound, back to the Annex, and we were essentially pushed back and forth from those two locations.

Q Let's back up a minute here, because according to the note I have here, you did that on September 12th. The attack occurred on the evening of the 11th. Does that make sense?

A Yes. So you're talking about the next morning?

Q Correct.

A Okay. Gotcha.

Q So on September 11th, the day that the attack occurred, at 9:42 p.m., did you work that day? Do you recall?

A I don't recall, no.

Q Okay. The following day, subsequent to the attack, is when you flew Jigsaw 04. Does that sound accurate?

[REDACTED]

A To the best of my knowledge, yeah.

Q Okay. When did you first become aware of the attacks in Benghazi?

A I guess it would have been whenever I showed up to work that evening.

Q And what time would that have been?

A Let's see, again, I guess, my best guess is that I was working swing shift, which would have been showing up to work around 3 o'clock in the afternoon Las Vegas time.

Q So about 9 p.m., somewhere in that range, Libya time?

A Sure. Yeah.

Q Okay. So what do you do when you get to work?

A We typically have a mass brief, and they'll end brief us essentially on what's going on on each line, kind of a quick summary. And then after that we usually get end briefed by our mission intelligence coordinators, and they'll tell us a little more specifics with the aircraft and the mission itself.

Q Do you get briefed with your mission -- do you get briefed with your sensor operator simultaneously?

A Yes.

Q And who was your sensor operator?

A It would be my best guess, looking at the flight records, best guess would be Sergeant [REDACTED]

Q [REDACTED]

A Uh-huh. That would be my best guess.

[REDACTED]

Q Do you know where she's located now?

A She's at [REDACTED].

Q She a sergeant?

A To the best of my knowledge, yeah.

Q And when you got your preflight brief, talk to me about what they shared with you in terms of operations, in terms of intelligence, in terms of what's going on in Benghazi. Where are you hearing?

A So I guess the best that I remember is basically they said: Hey, we've got an attack that just happened at this location and --

Q What location?

A I guess in Benghazi, and I think they were looking at the compound at the time.

Q Did they tell you what kind of compound it was?

A No. And from what I can remember, we had very limited information, and it was just kind of being fed to us. And our intelligence coordinators were just pushing that information to us as they got it. But it was more of a, I guess, a -- you know, it wasn't preplanned, so they were just kind of -- as they were, you know, getting information, just feeding that to us.

As far as specifics, we essentially, from what I can remember, just had two different sets of coordinates for the two different compound locations. And they were more or less just wanting us to look at from one location to the other.

Q Did they give you lat/longs?

A I believe they were MGRS. They may have been lat/longs.

Q And did they describe at all the two facilities, what they were, who was there, that kind of thing?

A Not that I can remember. All I can remember is that they essentially said that there was an attack on this location, and there's another Annex that they're keeping eyes on as well.

Q Did you know who was in the facilities, what kind of Americans were there?

A They did mention that the Ambassador was in one of them, and I think at the beginning of my shift they said they weren't entirely sure which one he was in. But beyond that, I don't remember specifics.

Q And again, your craft that day was Jigsaw 04, correct?

A To the best of my knowledge, yeah.

Q Where did that craft launch from?

A It launched out of [REDACTED].

Q How do you know that?

A I guess that's where all of our birds that had operated over the last year in Libya, that's where they had launched from.

Q Was your aircraft armed?

A It was not.

Q How do you know that?

A I guess because we have a -- we have a, I guess, a load out of our aircraft, and so I guess we know what's on board and what's not as far as weapons are concerned.

Q When you took the seat from your predecessor that night, do you all discuss whether or not the aircraft is armed?

[REDACTED]

A I mean, I guess we hadn't been armed in Libya since at some point after the Qadhafi stuff had happened. So at some point after that, it was -- we knew we were no longer going to be armed in that theater.

Q How did you know that?

A I don't remember who mentioned it, but I remember hearing at some point that the -- [REDACTED] did not want us flying an unmanned aircraft that was armed over their country, so therefore they restricted us from having armed unmanned aircraft.

Q And did you ever hear anything like -- was that through your chain of command or that was a fellow pilot?

A My best guess would be that it was probably our operations supervisor who basically runs the mass brief at the beginning of each shift, you know, would have just mentioned 1 day: [REDACTED]

[REDACTED] we're no longer going to be armed in Libya.

Q [REDACTED]?

A I have not.

Q When a Predator is armed, do you have the authority to engage targets of opportunity or are you directed what to strike?

A We are directed. And I guess this would be more Afghanistan. It's run from an a JTAC. Basically we have to receive clearance. We can't just go out and shoot anything.

Q You always have to have guidance?

[REDACTED]

A We always have to have clearance, yes.

Q Who has final -- are you the only person who can pull the trigger, so to speak, on a weapon in your craft?

A Yes.

Q Can anybody else do that?

A No.

Q Can anybody else do it remotely from a command center somewhere?

A No.

Q When you are using Hellfire weapons to engage targets, do you have to have a JTAC on the ground?

A No. We have to have -- so there are times when they can look at our feed and --

Q Who's they?

A A JTAC. So I guess using Afghanistan for instance, they can look at our feed and do what they need to do to provide clearance.

Q So it's possible for you to -- if you've got a JTAC that's looking at your video, sitting in your command center, and he says, "See that truck over there with three guys sitting in the back, take it out," can you do that?

A I'm not sure what their requirements are on, I guess, as far as issuing a clearance, like what all they need verified, but I would assume that -- yeah, I'm not certain of what all they need to.

Q Who do you have to have clearance from in order to pull the trigger?

A Usually it's a JTAC, but they have -- I guess we have -- I don't remember the ROE, but there are higher levels that can issue a clearance.

Q I guess my point is, I'm just trying to figure out if a JTAC is not on the ground, there's not one on the ground --

A Right.

Q -- right, but there's a JTAC in your air ops center, whatever you call it, and he's looking at your feed --

A Right.

Q -- and he sees a target, there's six guys standing over there by the donkey, "Shoot it." You say, "Yes, sir," and you shoot it? Is that how it works?

A I mean, theoretically, I guess, that could be the case.

Q I mean -- prior to taking over the seat, do you spend anytime with the current pilot in the seat to kind of get situational awareness? How does that transition occur from you being -- replacing that person?

A Usually he's going to tell me, you know, just kind of what's going on with the target location. He's going to tell me pretty much what's going on with the mission itself, what's going on with the aircraft, when it needs to return to base, you know, any abnormalities with that. And we have a crew changeover briefing that guys usually use as a guide to make sure to cover everything. And I think that's pretty much it.

Q Are you in a briefing room talking to him on head phones? Are you standing right beside him?

A Pretty much standing right beside him or right behind where he's sitting.

Q And so is he sitting in a little cubicle somewhere? What does that physically look like?

A It's a ground control station, and it's essentially -- it's basically a rack that has two chairs on it. And we have our mission computers directly in front of us, basically to control the -- I guess, our controls to control the aircraft. And then radios, phones in the center of the pilot and the sensor operator, and on the far edges we have our mission computers, which is where we get all of our -- or a lot of our mission feed -- or mission direction.

Q Is that a Conex box outside? Is it a room inside next to the COC? What is it?

A We have a couple different varieties, but for the most part, the ones that we had at the unit I was operating at, at Creech, they were what we called fixed facilities, and it basically was like an office. Like, you would walk into an office and then against the wall would be our -- the controls and the pilot sensor operator stations.

Q And, again, had you flown Predators in Libya prior to this occasion?

A Yes. I know a decent amount of what I did was transit, which is, if I remember correctly, I think it was a 4-hour transit to and from Italy to Libya. And then I've flown a few missions that were actually in theater as well.

Q Did you ever fly over Tripoli?

A I believe so. I don't remember any specific details, but I believe so.

Q Is there anything unique about operating a Predator in Libya?

A I mean, I would say every country that we operate in or every theater that we operate in has different ROE. And so I would say every ROE is different, so that would make them unique. But outside of that, the actual functionality of the aircraft, I would say, is not different.

Q But in terms of operating the air space, in terms of threats from the ground, SA-7s or something like that, anything like that unique or a concern or an issue for you all?

A I guess, are you talking just like late 2012 timeframe or --

Q Let's back up. So I am talking summer of 2012, fall of 2012.

A Okay.

Q First of all, talk to me about what's it like to operate in that air space, who are you talking to on the ground in terms of air traffic control and things of that nature?

[12:51 p.m.]

Captain [REDACTED] I guess the best that I can remember, I guess we had like a -- I think it was like a Benghazi approach control or something to that effect. But I think we would just call them up on the radio, let them know essentially where we're operating.

BY MR. TOLAR:

Q Were there any concerns about any kind of anti-air assets on the ground taking you out, taking out the Predator?

A At that time, no. So the summer of 2012 to the fall of 2012, to the best of my knowledge, no.

Q Were there concerns prior to that?

A I guess -- and I'm not sure when the Qadhafi stuff had happened -- but at that point, to the best that I can remember, there was some potential surface-to-air threats.

Q What were those threats? What were the type of weapons?

A Specifically, I don't remember. SA something. So I don't remember the -- what numbers they had.

Q Do you recall when you got in the seat that day?

A I don't, no.

Q I think you said Sergeant [REDACTED] was your sensor operator?

A I believe so.

Q Who was your mission intelligence coordinator?

A I don't know for sure. I've got a best guess, if that works for you?

Q Sure.

A Last name is [REDACTED]

Q Male or female?

A Male.

Q What was his rank?

A Probably an airman first class.

Q E what?

A Let's see, E-3.

Q Thanks. Do you recall where the Predator was located when you took the seat?

A Specifically, I don't.

Q Was it over a facility?

A I think so. I think we were over either the compound or the Annex, one of the two, but I don't remember specifically.

Q Do you recall when -- let's do this. So you took over the seat, and what are you looking at? What are you seeing?

A So I guess what I can remember is at the Annex we had essentially people on the roof guarding the compound location -- or guarding the Annex location, I guess. Then at the compound, I don't remember any specifics, seeing anything specifically there.

Q Could you see people on the roof at the Annex?

A Yes.

Q How did you know that was the Annex?

A That's what we were told. We were essentially given coordinates and told: Hey, the Annex is here and the compound is here.

Q Were those the words they used to describe each one of the

[REDACTED]

facilities?

A I don't know specifically.

Q But you literally could see people on the roof at the Annex?

A Correct.

Q Is there any chance that would have been the compound?

A I don't think so.

Q Were there fires at the Annex, anything on fire?

A Not that I can remember.

Q Were there fires at the compound?

A I don't remember specifically at the time.

Q What other activities did you observe while you were over the Annex?

A I thought I had remembered the individuals on the Annex shooting out from the Annex, but I don't remember specifically. And then I thought there was -- I thought there was a -- I don't know if it was -- I don't know, some sort of explosion at the Annex as well, but --

Q Was it an explosion on the ground, on the building?

A Like on top of the building where the individuals were.

Q Are you aware that there was a mortar attack on the Annex?

A I was not at the time.

Q You subsequently learned of that?

A I guess. So I guess my -- I went back and tried to watch parts of the video, and I think I -- I thought I had seen some things, and then I went back and I just -- I had watched clips. And so I guess

maybe that has created some doubt in what I thought I remembered.

But --

Q When did you watch these clips?

A I guess it was yesterday.

Q But do you have any recollection -- if you were operating the Predator, would you be able to see mortars? What could you see of a mortar attack that occurred?

A I don't know if you would -- if we would necessarily see anything. We may be able to see something shooting across the screen or something like that. But, I mean, we're, you know, pretty much zoomed into one small location, so to actually see an attack, unless the explosion happened in front of the camera, then wouldn't necessarily see it.

Q If someone told you to look 90 degrees, can you put a laser on a target or a building or something in order to identify the location of that item?

Let me do this to make sure I'm clear.

A Sure.

Q So you're in an orbit and somebody, your mission intelligence person says: I want you to look to your -- I want you to turn your sensor, turn the camera to the right, and there's a building over there with a red light on the front, I want you to put a laser on it and give me a good coordinate for that. Can you do that?

A We have the ability to -- yeah, I guess we have the same laser that guides a missile, we can basically pull grid coordinates

from them.

Q And so if you point that laser at something and it's on the target, everybody can see the screen?

A Right.

Q Will that show a lat/long of where that target is located?

A Yes. That will show an updated grid, yes.

Q Who were you talking to that night as you were conducting your mission?

A Well, there were no radio communications. Again, the best that I can remember, I'm pretty sure a radio would have been set to the Benghazi approach control who we had gotten our airspace clearance from, but all of our mission direction was coming [REDACTED]
[REDACTED]

Q What kind of guidance were you receiving?

A It's basically pushing us from one grid location to the other, which happened to be the compound and the Annex.

Q How many times did you go back and forth approximately?

A Maybe 10, something like that.

Q You were in the seat for 4 hours. Does that sound correct?

A That would have been a typical amount of time in the seat. It looks like that's what was on the flight records, so I would assume that is the case.

Q 0300 to 0700 Zulu, does that sound accurate?

A Sure. I'm not certain.

Q That's okay.

[REDACTED]

A Yes.

Q During that entire time, were you always either over one of the two facilities?

A As best as I can remember, yes.

Q Were you tasked to go check out the airport or go check out something else?

A No. To the best of my knowledge, it was one of those two locations.

Q Did you maintain a specific attitude level, do you recall? Were you moving up and down in attitude?

A I don't remember specifically. Again, from watching the video yesterday, it seemed like we were at 13,000 feet.

Q If you pull back -- if the sensor operator pulls back with his camera, what's the footprint look like that he could potentially see? I guess my point is, is it possible to see both the Annex and the compound in one frame if you pulled back far enough with that camera?

A At some level, yes, but you won't get the detail, so you would see -- everything would be extremely small. But, yeah, at some level that is possible.

Q Who all was monitoring your video feed that you're aware of?

A Let's see. There would have been, I guess everybody -- well, myself, my sensor operator, my mission intel coordinator. Then in our ops center for each squadron we would have had a -- and that's actually where our mission intel coordinator

sits -- we would have had our operations supervisor, which is another pilot, a senior pilot, a senior mission intel coordinator who would have been basically the counterpart on the intel side for our operations supervisor.

Above that, I would have known that whoever was directing our sensor in our mission window, [REDACTED], would have been watching it. And beyond that, I don't remember being told anybody specifically.

Q Did you ever have or were you ever connected with anybody on the ground in real time?

A You mean like in contact with them?

Q Yes.

A No.

Q Is there anything discernible that you recall witnessing that night while you were executing your mission?

A Not that I can recall.

Q Were there any issues when you handed off the aircraft to your replacement pilot?

A Not that I can remember.

Q After you made the handoff, what did you do when you got out of the seat?

A I don't know, I guess, what time that was local. So I may have gone and flown another line, or I may have -- that may have been the end of my shift, so I'm not sure. If it was the end of my shift, I would have gone home. If it was me flying another line, I would have gone and done the same process and briefed in with another pilot and then

switched him out.

Q Would you do back-to-back missions?

A Yes. I guess -- so we're basically on an 8-hour -- or at least at the time were on an 8-hour shift. So assuming I was on swing shift, it would have been from 4 p.m. to midnight. And so if I had flown 4 hours in the seat on one, I may have an hour break, and then I may go and fly a different line and do a different mission. And that was not necessarily uncommon.

Q Is there a reason why you wouldn't come back to the same mission given your situational awareness of what was going on?

A I would say more than likely the individual that switched me out would stay in there, so that way he's -- I basically gave him updated information. Then he could stay the rest of the shift, flying that line. So that way he wouldn't just be there for an hour and then I switch him back out. So I would say for continuity's sake, he could stay in there.

Q Did you have to prepare any kind of after-action report or write-up or briefing once you got out of the seat?

A Usually any after-action reports that were done were by the -- coordinated through the senior mission intel coordinator. And I'm not sure if they -- they don't necessarily always file one, to the best of my knowledge. So I don't know if one was filed.

Q Was there any kind of, in the days following after the events in Libya settled down, was there any kind of back briefing or after-action report that was discussed by your unit?

A Not that I'm aware of.

Q Are you aware of any other ISR assets operating in Libya at that time?

A I'm not.

Q In May of 2013, someone claiming to be a sensor operator called into the Sean Hannity radio program, and he said his name was John from Iowa. Are you familiar with this?

A Only as of basically whenever I was told I was -- whenever I was told I was coming out here, I was made aware of the fact that somebody had called.

Q When were you told that?

A I guess -- when was I told that I was coming out here?

Q Uh-huh.

A It would have been for my VTC with individuals from the Pentagon.

Q Were you told about it then, this event, this John from Iowa Hannity thing?

A So what happened was, when I was initially -- so I had my meeting with the individuals -- or the VTC, the folks from the Pentagon, and then after that the -- I was -- basically I saw a link for an article that talked about -- something about Benghazi, and on there it referenced John from Iowa, so that drove me to look up the call.

Q What made you go look for that link?

A Just curiosity.

Q Did you listen to the radio program?

[REDACTED]

A I did.

Q Do you know who that individual is after listening to it?

A I don't. In fact, I went back through all the sensor operators that I knew from that unit, and I couldn't place it with anybody.

Q Do you know who that person is now?

A I was told that that was [REDACTED] (ph).

Q Who told you that?

A Captain [REDACTED]

Q When did he tell that you?

A I guess maybe yesterday or the day prior.

Q Do you know who [REDACTED] (ph) is now?

A I do.

Q Do you recall ever working with him?

A Yes. So we basically had three shifts and three flights. I was the assistant flight commander for my shift, my flight, and he was the flight chief. So I was basically number two in charge of my flight's officers, really the officer and enlisted, but he was the top enlisted person on that shift.

Q Is there anything else you can think of that you think it's important that the committee should know about you all's operations that night that might be helpful to our investigation?

A No. Nothing else comes to mind.

Q Is there anyone else that you think it might behoove the committee to speak with to gain a better understanding of what happened

[REDACTED]

in terms of Predator operations?

A I don't think so.

Mr. Tolar. Let's go off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q Almost done. Just want to clean up a couple things.

A Sure.

Q Take me back to the transition from when you took over the seat from your predecessor.

A Okay.

Q What kind of advice, intel, SA, did he give you about what was going on on the ground?

A To the best of my knowledge, I think I remember him saying, you know: Here's the two different locations that we're looking at. Here is a compound that basically was attacked -- saying something to that effect -- and then here is an Annex. I don't remember if he specifically said CIA Annex or anything along those lines, but I do remember an Annex and a compound, and, you know, basically that they were basically going back and forth between these -- these are basically the buildings we're watching.

Q Did he describe for you what was happening at the compound?

A Specifically, I don't recall.

Q Did he describe to you what was happening at the Annex?

A I don't recall specifically.

Q Did he make any comments about witnessing gunfire?

[REDACTED]

A And I don't recall that either.

Q You mentioned that you thought you saw some kind of explosion at some point. Did you have any indication of what that explosion might be from?

A No, I didn't.

Q When you witness that, does that cause you to say something into the radio to everybody, "Hey, did you all see that," or whatever? Did that elicit any kind of conversation over your headset?

A We would have. I guess any time we see something abnormal, you know, we mention that. I don't remember specifically if we -- you know, what was said. But, yeah, I don't remember specifics.

Mr. Jordan. So when you came in, and you were only over the Annex?

Captain [REDACTED] To the best of my memory, we were basically orbiting the Annex and the compound, both locations, and then they were essentially pushing us from one location to the other. So we were essentially looking at both locations.

Mr. Jordan. Okay.

Captain [REDACTED] But primarily the Annex.

Mr. Jordan. And primarily the Annex when you come in. And was there a pilot between you and Mr. [REDACTED] So when Mr. [REDACTED] pulled out and then you came in, was there someone in between?

Captain [REDACTED] I would have to, to be very specific, I would have to look at the flight records, and I guess my understanding is yes.

Mr. Jordan. Okay. And I walked in here late. I apologize.

[REDACTED]

When you took command and you got in the seat, how long was it from the time you took command until the mortar attack happened? Or what we now know was a mortar attack. We understand you didn't know at the time.

Captain [REDACTED] Yeah. And I don't remember. I don't know. I guess if I'm in the seat for 4 hours at a time, I don't necessarily recall exactly over the course of that time when those things happened.

Mr. Jordan. Did you get in the seat while it was still moving to Benghazi or did you get in the seat once it was over top of Benghazi?

Captain [REDACTED] The aircraft?

Mr. Jordan. Yeah.

Captain [REDACTED] From what I can remember, we were already over Benghazi?

Mr. Jordan. Okay. You were already there?

Captain [REDACTED] I believe so.

Mr. Jordan. Do you know what time you got in the seat, have you looked at the logs of when you actually took over?

Captain [REDACTED] If I was on swing shift, it would have been a 4-hour segment, probably either 4 p.m. or 8 p.m. Creech time?

BY MR. TOLAR:

Q When you were in the seat, did you start the transition back [REDACTED] or did you stay with one of the two compounds the entire time?

A I thought I had stayed over the entire time, but I'm not certain.

Q What does the term "bingo" mean?

A Bingo is when you basically need to return to base. It's when you reach a certain fuel state where you need to turn back to have your normal recovery fuel.

Q Did that happen while you were flying that night?

A I don't remember.

Mr. Tolar. Off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q During your time, did you ever observe vehicles coming or going from the compound?

A Not that I can remember.

Q Did you ever observe vehicles coming or going from the Annex?

A During my shift, I think so, but I'm not certain, and this is more after watching some of the video yesterday. I'm not sure exactly when I was in the seat. And I do remember seeing vehicles on the video. So it's kind of hazing my memory.

Q Do you recall how long after you got in the seat that the explosions occurred over the rooftop, approximately? Was it right after you got in the seat? Was it after you had been there a while?

A I don't.

Mr. Tolar. Thank you again for your time today. I appreciate your service to our country. It's a big deal.

We're off the record.

[Whereupon, at 1:21 p.m., the interview was concluded.]

INTERVIEW OF GENERAL CARTER HAM

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JUNE 8, 2016

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Mr. Tolar. Let's go on the record.

Good morning, sir.

General Ham. Good morning.

Mr. Tolar. This is a transcribed interview of General Carter Ham, United States Army, Retired, conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, would the witness please state your full name for the record?

General Ham. Carter F. Ham.

Mr. Tolar. Thank you, sir. Again, the committee appreciates your appearance here today as well as your service to our country.

General Ham. Thank you.

Mr. Tolar. Again, my name is Mac Tolar. I'm with the committee's majority staff.

At this time, I'd ask everyone in the room to introduce themselves for the record.

Ms. Clarke. Sheria Clarke. I'm with the committee's majority staff.

Mrs. Brooks. Susan Brooks, representing Indiana's Fifth District.

Chairman Gowdy. Trey Gowdy, South Carolina.

Mr. Hudson. Bill Hudson from the Department of Defense Office

of the General Counsel.

Mr. Richards. Edward Richard, DOD OGC.

Mr. Shapiro. Howard Shapiro, Wilmer Cutler Pickering Hale and Dorr, for General Ham.

General Ham. Carter Ham, General, United States Army, Retired.

Ms. Green. Shannon Green with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Ms. Cohen. Linda Cohen, minority staff.

Mr. Donesa. I'm Chris Donesa with the committee staff.

Mr. Kiko. Phil Kiko with the committee staff.

Mr. Tolar. Sir, as you can see, we have a court reporter here taking down everything we say in order to create a written record. Accordingly, I'm going to ask you to please provide verbal responses, such as "yes" or "no," to our questions as opposed to nods of the head or "uh-huh" or "huh-uh" or things of that nature. I will ask the court reporter to jump in at any time just to keep us in line with that regard.

Also, please understand that, although you are not under oath, you are required by law to answer questions from Congress truthfully, including questions posed by congressional staff in interviews such as this. Do you understand this, sir?

General Ham. I do.

Mr. Tolar. Sir, is there any reason you are unable to provide truthful answers to today's questions?

General Ham. No.

Mr. Tolar. That's all I have.

Shannon?

Ms. Green. General Ham, on behalf of Ranking Member Cummings, we appreciate you voluntarily being with us today. We realize you have testified very many times before Congress on the events in Benghazi.

And I just wanted to let you know that, toward the end of this interview, I will ask you a series of questions that we ask every witness. We understand that our colleagues continue to investigate these allegations, and we've asked them, if they would like to not investigate them, we would take them off the table. That hasn't happened. So I just wanted to give you a heads-up that we'll be asking questions, a series of questions, at the end of the interview.

And, again, thank you for being here.

General Ham. Thank you.

Mr. Tolar. Sir, it's 9:12 at this point. We'll start the first hour of questioning.

EXAMINATION

BY MR. TOLAR:

Q At this time, sir, would you please talk to me a little bit about AFRICOM at the time that you were the Commander? And, specifically, I want you to kind of flesh out for me some of the limitations that you had in terms of resources and things like that, given the nature of AFRICOM and how it was structured.

A AFRICOM was established as a geographic combatant command and became fully operational capable in 2008. So it's the newest of

the Department of Defense's geographic combatant commands.

The command was formed out of -- responsive -- areas that had been previously under the responsibility of European Command, which had responsibility for most of sub-Saharan Africa; Central Command, which had the Horn of Africa; and Pacific Command, which had the Indian island nations of Africa.

The command had similar responsibilities as the other geographic combatant commands, meaning to lead and coordinate all U.S. military activities within the area of responsibility. Africa Command was a bit different in that it was envisioned and specified in the Unified Command Plan that Africa Command would approach its missions with a specific view toward a whole-of-government approach, meaning that it would not be purely military but, rather, engage the breadth of the U.S. Government.

I served on the Joint Staff as the command was being formed, and there were visions that the command might be as much as half non-Department of Defense personnel making up the command in order to accomplish that whole-of-government approach. That, frankly, never came to fruition, but yet there was always that view of a whole-of-government approach, a preventive approach, if you will, in Africa.

That changed pretty shortly after my arrival in March of 2011 with the directive from the Secretary of Defense to initiate operations in support of U.N. Security Council resolutions in Libya, which required the command to undertake combat operations. It really was the first

time that the command had been so charged. That was an opportunity, I think, for the command to grow and develop and become, in other words, a full-spectrum combatant command.

Q And, as compared to other combatant commanders, talk about -- obviously, AFRICOM had limited resources. Would you talk about that just a little bit?

A Africa Command, at the time that I served, had very few assigned forces, essentially only a small naval special warfare detachment. I don't recall exactly the timing of when that force was assigned. But all other forces would be provided by other combatant commands, meaning that, in order for Africa Command to employ forces, there was a process called the request for forces.

The command would submit a request for forces through the Joint Staff, ultimately decided upon by the Secretary of Defense as to whether or not to make forces available for Africa Command for employment in the Africa area of responsibility.

Mr. Tolar. Let the record reflect Congressmen Westmoreland and Schiff have joined the interview.

BY MR. TOLAR:

Q Sir, Secretary Panetta indicated you and he had discussions about why there was no AFRICOM presence in Africa. And, during your tour, did you ever make any headway in establishing or trying to establish a presence in Africa for the command itself?

A In my view -- the words that were crafted in the Defense Strategic Guidance of 2012 were that in Africa the U.S. military would

apply a light footprint and innovative approaches. In my view, that is the right approach to U.S. military engagement in the African continent, where a large U.S. military presence is neither required nor desirable.

We did have one forward operating base in the Horn of Africa, in Djibouti. And that operating base allowed us to support operations not only in Africa but were supportive of United States Central Command, as well, given the geographic location of that command.

Other U.S. military presence on the continent of Africa was as needed in temporary operating bases, forward operating bases, exercises and the like, but not a permanent stationing of forces on the African continent, which I believe was appropriate given the circumstances.

Q Do you still believe that the footprint at Camp Lemonnier is appropriate, given today's environment?

A Yes. I believe that that is a strategic hub and, I believe, to be vitally important.

Q Do you believe it needs to be expanded?

A I'm not sufficiently current to know -- to be able to answer that.

Q Okay.

Sir, who was Ambassador Tony Holmes?

A Ambassador Holmes was one of the two deputies at Africa Command. The command was in this way, at the time, unique amongst the combatant commands, to have both a military deputy commander for

military operations and a civilian deputy for civil military activities.

Ambassador Holmes held that position when I arrived at the command. He is a career Foreign Service officer, former U.S. Ambassador to Burkina Faso.

Q And what was his role? What kind of guidance or counsel did he provide?

A I relied heavily on Ambassador Holmes and his successor in that civilian position for a couple of areas -- one, to be the primary linkage with the ambassadors and the country teams. The advantage of having a civilian deputy who had served as an ambassador was invaluable. Having a civilian deputy who had on-the-ground experience in Africa, had relationships with not only African leaders but those across the U.S. Government, was similarly valuable.

Q Did you consult with Ambassador Holmes in terms of the response to the attacks in Benghazi? Or did you seek his counsel in any way?

A I would have to look -- I'd have to remember the specific timing of this, of when Ambassador Holmes departed and when Ambassador Dell, his replacement, arrived. I just don't recall whether Ambassador Holmes was present in the operations center that night. I do not recall.

Q Did you ever discuss with Ambassador Holmes or seek his counsel with regard to the establishment of an SST, the extension of an SST, anything at all regarding the SST?

A I do not recall specific conversations, but I am confident that, in a matter such as that, again, I relied heavily on Ambassador Holmes and his successors as for insight into the specifics of country situations to gain a different perspective, if you will, than was offered by the military staff.

Q Okay.

Sir, at this time, I want to get a better understanding of Libya and your impression of Libya prior to the attacks.

I know previously you stated that the extremists in eastern Libya were on a trajectory that was not in the best interest of the United States. So, if you will, talk to me about your impression of, first, eastern Libya prior to the attacks, and then talk to me about Tripoli prior to the attacks -- the security situation, things of that nature.

A In the aftermath of the collapse of the Qadhafi regime in the summer of 2011, there was significant unrest and uncertainty across Libya. In the immediate aftermath, there were elections, the appointment of a Prime Minister, a government. It looked, actually, like Libya was on a fairly good trajectory.

In my view, infighting amongst different groups and organizations in Libya started to cause that situation to deteriorate, and the reemergence of a strong Islamist faction or factions in Libya soon became noteworthy in our intelligence reporting and particularly in the city of Derna, which is the far eastern portion of Libya, a point which had previously been a transit point for foreign fighters leaving Africa, transiting across the region, and many of them ending up fueling

Islamic extremist cells in Iraq. So we knew Derna had a history.

But we started to see through intelligence reporting the reemergence of Islamic extremists, some, we felt, with Al Qaeda affiliation. And we began to discern reports of the establishment of terrorist training camps in the eastern portion of Libya. So this started to become a matter of grave concern, not just for the command but more broadly.

Q And how about towards Tripoli? Was that pretty much the same or --

A Tripoli was, in the succession of governments, was certainly not -- had not progressed as rapidly in terms of stability and security that any of us or any of the Libyans would have liked. The disagreements between various factions was certainly problematic in Tripoli, but I don't -- certainly, in my recollection, the terrorist threat was not nearly so significant in Tripoli as it was in Derna.

Q Sir, Admiral Leidig testified that, in his opinion -- or his impression was that you felt you had an opportunity to take advantage of the situation in Libya and that perhaps the United States could exploit it to our benefit, or words to that.

Does that make sense? Is that an accurate impression of what you were thinking about the opportunities that may present themselves in Libya at that time?

A In the immediate aftermath of the collapse of the Qadhafi regime, there was -- in my sense, from reporting and from personal visits and engagement, I believe that there was a period of time where

large segments of the Libyan population, certainly the transitional government in Libya, were predisposed and open to increased U.S. engagement.

We tried at the command to take advantage of that through a variety of initially small-scale training programs to help the Libyans re-craft a capable, reliable security force. Again, as that was my assessment, that's what the situation afforded at that time.

Ms. Green. Mac, could I just ask a question? If you're going to quote transcripts from the Select Committee, many of which we have not been provided access to, could you please put that into the record?

Mr. Tolar. Yeah. Thank you.

BY MR. TOLAR:

Q Sir, do you feel that opportunity still exists today?

A I'm not sufficiently current in the -- to be able to render a judgment.

Q Sir, I think you've previously indicated that you were aware of the State facility in Benghazi but not the Annex. Is that accurate?

A I knew that there was a -- I didn't know it by name, but a temporary mission facility in Benghazi. And I knew that because Ambassador Stevens, during the opposition struggle against the Qadhafi regime, I knew that he had operated from there. I was not aware -- I, personally, was not aware of the Annex until the night of September 11th-12th, 2012.

Q What was your understanding of what the State Department facility was, what it was doing, things of that nature?

A I had very little understanding. I knew there was a facility there but, frankly, was not aware of the range of activities that were conducted from that site.

Q Given your stated concerns about what was going on in eastern Libya and now it appeared to be on a downward spiral, coupled with your knowledge of the presence of the State facility, did you ever express concerns to Ambassador Stevens or anyone else about what was happening in Benghazi and whether or not they had appropriate protections in place, whether or not AFRICOM had a course of action planned in order to respond if called to do so, things of that nature?

A I certainly had a number of conversations with Ambassador Stevens about the situation in eastern Libya, which was of primary concern to us -- this establishment, we believed, establishment of training camps and the reemergence of Islamic extremists in that part of the country. And, certainly, the Ambassador needed to be consulted and approving of the things that we wanted to perform there.

I do not recall a specific conversation with Ambassador Stevens about the physical security at the temporary mission facility.

Q Obviously, you just mentioned that you weren't aware of the CIA Annex at the time, and I think you previously indicated you were somewhat surprised to learn of its presence. Is that accurate?

A I certainly was not aware until the night when the events unfolded of September 11th-12th of 2012, but, certainly, I became aware very quickly that night. And I knew then, also, that certainly the (REDACTED) and others at the command were aware of that facility. I

just personally was not aware of it.

Q Subsequent to the attacks in Benghazi, have there been any policy changes or directives issued by DOD that you were aware of that ramped up the requirement to ensure that all COCOMs were aware of all U.S. facilities in their areas of operations?

A In the days, weeks, months following the attacks in Benghazi, I think the Department of Defense has taken a number of initiatives to ensure a heightened ability to respond. That begins with the formal establishment of a Commander's In-extremis Force for Africa Command, which did not exist in September of 2012 -- it had been planned; it just had not yet been fully stood up; changes with regard to the availability of aircraft for response forces; the establishment of the special-purpose Marine Air-Ground Task Force; heightened readiness for the elements in Djibouti.

So I think a number of enhancements made by the Department of Defense to improve the Department's posture to respond in crisis.

Q I understand, but my specific concern is whether or not it's possible, frankly, for a U.S. agency to have a facility in a COCOM's AOR that that commander would not be aware of.

A Again, though I was personally not aware of the facility, the command was aware of the facility.

Q Thank you.

General, in the summer of 2012, August timeframe, ISR missions over Benghazi and Tripoli were suspended due to complaints from Libyans. I believe those ISR assets were Predators and they were under

your command. Is that correct?

A Yes.

Q And what do you recall about the suspension or the complaints from the Libyans about those ISR assets operating in Libya?

A There were complaints by the Libyan Government to the Embassy about overflights. (REDACTED)

Q Did those complaints impact your ability to operate those Predator assets at all during that time?

A I do not recall the complaints about the unmanned systems. I do recall complaints about the manned systems. And the manned systems, we would have to very carefully manage the time slots and when they could fly.

Q Were those P-3s?

A Yes.

Q Any other manned systems?

A There probably were. The P-3s are the ones that come to mind.

Q Sir, were you involved in any initial discussions that decided that an SST was the appropriate course to fulfill the request from the State Department in Tripoli?

A Yes. In staff coordination, before the formal submission of a request from the Department of State to the Department of Defense, there were certainly staff-to-staff coordination between the AFRICOM staff and the Joint Staff on, if this request comes, how would you do it and how would you shape it.

Q And was there ever consideration given for a Marine Security Guard detachment vice an SST?

Mr. Shapiro. In the summer of 2012?

Mr. Tolar. No, when the SST -- let me back up.

BY MR. TOLAR:

Q When the State Department made a request for military support when they reestablished the Tripoli Embassy, an SST is what DOD provided in response to that. My question is to you: As opposed to the SST, was a Marine Security Guard detachment considered instead?

A I don't recall.

Q Okay.

At any time during your tenure as the COCOM Commander of AFRICOM, did you ever have discussions about and/or make recommendations that a Marine Security detachment be established at the Embassy in Tripoli?

A I recall general conversations with Ambassador Stevens and with the Joint Staff about whether it was appropriate to establish a Marine Security Guard detachment, but I don't recall the specifics.

Q Do you recall if you ever had a conversation with Ambassador Stevens about that?

A I do. As I stated, I do remember, in general, having a conversation with Ambassador Stevens, but I don't recall the specific nature of the conversation.

Q Did you ever make a recommendation that he consider one?

A Not that I recall.

Q General, I believe you previously indicated that you saw

some merit to having a Site Security Team in Libya and that perhaps your interests were somewhat selfish, in that you anticipated operating or conducting 1208 missions in the future. Is that accurate?

A From my perspective as the command, we had not had any meaningful engagement with Libya during the Qadhafi regime. So when the opportunity arose to have some of the command's personnel on the ground, that was very attractive to me in order to establish relationships with Libyans, with the opportunity to start to gain situational awareness. So, from the command standpoint, this was an attractive opportunity to me.

Q And I guess, obviously, the more personnel and the longer time they had on the ground, the better their situational awareness?

A The numbers of personnel had to be tailored to the mission --

Q Yes, sir.

A -- but, certainly, more exposure, I felt, was helpful to the command.

Q I guess, given all that, why would AFRICOM agree to reduce their footprints from 16 personnel down to 6, when they at that time, subsequent to August 6th, were under the COCOM authority as opposed to chief of mission?

A When the authority for the Site Security Team expired, which I believe was August 3rd, as that date was nearing, I had a conversation with Ambassador Stevens, the staff, between the command and the country team, had conversations about what, if any, residual DOD presence should be maintained at the Embassy.

There were a number of factors involved in that. One was what would be their ability, freedom of movement, if you will, to operate since they would no longer be under chief of mission authority. Some of it was practical -- you know, are there vehicles, is there space, those kinds of things. And a third factor, which Ambassador Stevens and I addressed, was that the Libyans at the time were going through an election process, and it was Ambassador Stevens' judgment that it would be unlikely that we would be able to resume any meaningful military-to-military engagement until after the election.

So, based on those factors, we mutually decided that an additional six Department of Defense personnel would remain under combatant command authority until such time as the conditions warranted a larger presence.

Q Sir, I'm going to ask you to flesh that out a little bit more, because everything that we've read and everything that we've seen seems to indicate that retaining the full 16-member SST team was not an issue until after the attacks on August 6th, and only then did it appear the decision was made to reduce it down to 6. Is that not accurate?

A That is not my recollection.

Q Okay. So what you're saying is that, all along, it was the intent to reduce it from 16 to 6. It just didn't happen on August 4th. It was just a coincidence that it happened after the incident?

A The checkpoint incident of August 6th was certainly a factor in a number of decisions. But my recollection is that the

broadier decision to reduce the military presence under combatant command authority after August 3rd, my recollection is that that had already been decided upon between Ambassador Stevens and myself.

Q Did Admiral Losey ever express to you concerns about reducing the footprint from 16 down to whatever?

A Yes. My recollection is Ambassador Losey was advocating a larger presence.

Q Do you recall how many he wanted to retain? Did he want the entire footprint, or was he willing to compromise at all?

A I don't remember the specifics. I do remember that, understandably, he preferred a larger presence.

Q Why was that?

A For the same reasons that we wanted the presence in the first place: to sustain relationships and gain situational understanding and to be postured when the time was right to resume a more robust military-to-military engagement, that the right numbers of people would be on the ground to do that.

Q Is there any reason you could not have retained all 16 members?

A We could have. There were, again, a number of factors that, in my view, made the reduction make sense at the time.

One was, again, this issue of the Libyan elections and Ambassador Stevens' advice, recommendation, and insight that, frankly, we would be able to accomplish little until the Libyan election process had concluded. So, in the conversations Ambassador Stevens and I had,

there was some concern about how effective a larger group might be in that interim pre-election period.

Q What was the mission of the SST on August 4th once they transferred back to COCOM authority?

A On August 4th, there was no Site Security Team. That expired on the 3rd of August.

Q What was the mission of the Special Forces personnel that remained behind in Tripoli on August 4th?

A It was to maintain relationships, continue to build relationships with the Libyan military, and in order to best posture for the subsequent military-to-military programs that we anticipated would take place again after a new Libyan Government was seated.

Q Did that mission change after the August 6th attack?

A I don't think the mission changed, no.

Q Was there ever any intent for the SST to conduct 1208 missions in eastern Libya to Benghazi?

A The intent was to conduct military-to-military engagements where and when it was mutually agreeable between the Government of the United States and the Government of Libya. That was principally focused in and around Tripoli, the seat of government. I'm not aware that we had any substantive conversations of military-to-military programs in Benghazi.

Q Given that the primary mission of the SST was to provide security, communications, and medical support, do you recall if the Embassy brought in personnel to replace all the SST members that left

or were no longer part of the SST mission subsequent to August 3rd?

A I can no longer recall the specifics of that.

Q Okay. Do you know if the Embassy brought in any kind of contract security of any type subsequent to August 3rd or just prior to?

A I do not recall.

Q Given the conditions in eastern Libya, knowing that your soldiers were no longer going to be supporting the Embassy, did you have any concerns about security at the Embassy once the SST pulled out?

A The military personnel who remained were still in support of the Embassy. They were just operating now under my authority as opposed to the chief of mission's authority. But they were still, as military people always are, operating in concert with and in support of the U.S. mission in any given country.

Q Yes, sir. I guess the point, though, is we had 16 folks there for a reason doing all those issues, the primary missions that they had as the SST -- security, communications, and medical. Ten of them left. I guess my point to you is, recognizing, as you did, things were getting worse in Libya, coupled with the fact that 10 of these guys just left, at that point did you have any concerns about security at the Embassy in Tripoli?

A I don't recall the specifics, but I'm confident that, in the transition from the Site Security Team to the Department of State-provided follow-on force, if I had had concerns about the

security primarily of the DOD persons there but certainly of others, I absolutely would've made those known to Ambassador Stevens. And I don't recall such a conversation regarding the Embassy in Tripoli.

Q Sir, at this time, if you would, kind of walk me through your activities, actions on September 10th. I'm particularly interested in any briefings, discussions about unrest in the AOR, guidance you received, guidance you issued, et cetera.

A September 10th, I believe, was a -- was actually a travel day. But, again, in the days, weeks leading up to September 11th and knowing that I had been, along with the other combatant commanders, service chiefs, service secretaries, and under secretaries, had been requested by the Secretary of Defense and Chairman to meet at the Pentagon on September 11th, in the lead-up to September 11th we certainly conducted a comprehensive review.

I recall there being a message either from the Office of the Secretary of Defense or from the Joint Staff, again, reminding us all of the importance of the date of September 11th and to make sure that we were taking proper measures to limit exposure and to limit risk of our personnel across the area of responsibility.

Q I think the Secretary indicated that, in general, everyone was put on a higher alert, higher state of readiness, according to Secretary Panetta. What adjustments did AFRICOM make based on that guidance from the Secretary?

A For the personnel under the command's control, both at the headquarters in Germany but, more importantly, for those across the

area of responsibility, it was heightened awareness. It was limit travel and exposure; rehearsal, in some cases, of servicemembers and families moving to safe spots in the various communities in which they operated across the African continent; reaffirming contact lists and means for individuals to make situations aware to their security personnel wherever they may be located around the continent.

We, in the days, weeks leading up to September 11th, had, to my recollection, conference calls or secure video teleconferences with each of the commands, service component commands -- Air Force, Navy, Marine Corps, Army, and Special Operations -- again, to make sure that they were taking adequate precautions as well.

Q And I think you -- in those meetings in the run-up to September 11th, you've indicated you've talked to your component commanders, you talked with your AFRICOM staff. I think you previously indicated that you could've placed the aircraft on heightened alert and probably could've relocated them to other places but decided not to.

If you would, please talk to me about -- or just elaborate about what forces and/or assets that you contemplated putting on heightened alert at that time. I mean --

A So the first was the Commander's In-extremis Force, which was a European Command-assigned force but given the mission to also be prepared to support operations in the Africa Command area of responsibility. That's the force that is the force of first choice should there be an emergent situation. So it was understanding where

was that force. And, again, as previously mentioned, Africa Command did not as of September 11th have its own dedicated Commander's In-extremis Force. That was in process but had not yet been formally stood up.

The second was conversations with the operations staff at Africa Command but also with the commander of U.S. Air Forces Europe and Africa. And we did have discussions about should we place strike aircraft on heightened alert, should we relocate them -- a fair amount of discussion about that. Ultimately, it was my decision that strike aircraft would not be the resource that would be appropriate to respond to the types of incidents which we envisioned in the intelligence lead-up to September 11th. So I chose and decided to not place those aircraft on heightened alert.

Q And, one, please define which strike aircraft you're talking about and also, just for the laymen, explain why that wouldn't be an appropriate asset for anticipated incidents.

A Going back to your very first question, United States Africa Command had no strike aircraft assigned. There were strike aircraft assigned to U.S. European Command. And, in this instance, the commander of those air forces was dual-hatted. He was the commander of U.S. Air Forces Europe but also the commander of U.S. Air Forces Africa.

So he and his staff had total visibility of the aircraft available in theater. I don't recall all of them. The most prominent were strike aircraft in Aviano, Italy, but there were also aircraft, strike

aircraft, in the United Kingdom and, I suspect, some in Germany as well. And they could have been repositioned.

It was, again, in consultation with that commander, with my own operations staff, and ultimately my own decision that, given the nature of incidents which we envisioned might unfold on September 11th -- unrest, improvised explosive devices, sniper, something like that -- that strike aircraft would not be the correct response force.

A number of reasons for that. One is, typically, strike aircraft are most effective when they can apply their precision weapons. That requires detailed information about the situation on the ground, a specific means of targeting and target designation. Again, that generally is driven by intelligence. And the other factor is, in some places, the unknown presence of air and missile defense systems and then the ability to posture forces for recovery of a downed pilot should you lose an aircraft for maintenance, for hostile action, for any reason.

So a number of complicating factors. But the core of it to me was it was, in my judgment, the wrong tool, if you will, the wrong asset for the situations which we envisioned.

Q Other than the strike aircraft and the CIF, what other assets and/or personnel or forces did you consider putting on heightened alert status?

A The capability most in demand was intelligence, surveillance, and reconnaissance. And we had access to few of those.

But that was the capability that we needed most. There's a pretty rigorous prioritization process that requests for intelligence, surveillance, and reconnaissance assets go through. And given the global situation at the time, in 2012, Africa Command was not nearly as high a priority as other commands.

Q And explain why ISR assets were so important, so necessary to your mission.

A It is through intelligence, surveillance, and reconnaissance, manned and unmanned platforms, human intelligence, signals intelligence, electronic intelligence -- it is through the gathering of that information and the analysis that results from that that allows a commander and others to have increased situational awareness upon which you can base better decisions.

Q Prior to September 11th, did Admiral Landolt draft a message for your consideration to be disseminated throughout the AFRICOM AOR warning AFRICOM personnel to use due diligence and be prepared for what could potentially happen?

A I don't recall specifically.

Q You don't recall if Admiral Landolt drafted a message for you to release, just as a reminder, giving all your personnel a heads-up about "stay smart"?

A I do not recall specifically that that occurred. It would be a normal course of events in such a circumstance, but I just cannot recall with certainty.

Q Understanding you can't recall with certainty, is there any

reason why you might have not approved that message being disseminated?

A Not that I can think of.

Q I know there was a lot of concerns about the release of the video "Innocence of Muslims," and it's our understanding that General Allen had some serious concerns about the impact of that video.

Were you aware of that video when it was released or at some point prior to the attacks on Benghazi?

A I don't remember hearing about the video prior to the attacks.

Q Sir, if you would, please, talk to me -- you previously said September 10th was a travel day. You were traveling from AFRICOM to the Pentagon, or to D.C.? Is that accurate?

A Yes. I think I had a speaking engagement elsewhere on the 10th, and then to the Pentagon. But it was departure from the command to a stateside speaking engagement and then to the Pentagon.

Q So I want to talk to you now a little about September 11th. If you will, again, where were you in the Pentagon that day? Where were you operating from, et cetera?

A Africa Command has a liaison office at the Pentagon, which is permanently staffed. There are people there each day. So when I or others from the command would come to the Pentagon for any reason, that would become our base of operations.

Q And is that pretty much where you maintained your presence throughout the duration of the 11th and 12th when you were at the Pentagon?

A Primarily, yes. And it was so because in that office suite are redundant secure communications, secure video teleconference, the Defense Red Switch Network, as well as the normal secure phones that were available in the Department of Defense network, and the email systems up to the Top Secret level.

Q Do you have the ability to monitor operations or things of that nature, things that you might see in the JOC? Can you do that from that space?

A At the liaison office, it is certainly not as robust as is available in the operations center, but the communications are certainly very, very good and, again, redundant up to the TS/SCI level.

Q Talk to me about when you were informed, how you were informed, what were you informed with regard to the attacks in Benghazi initially.

A I don't recall the specific time, but mid-afternoon on September 11th, notified -- again, I don't recall specifically, but the operations center notified that there was something going on at the temporary mission facility in Benghazi, an attack of some nature. Didn't, frankly, know much more than that in the initial report.

I, upon that notification, had my staff call the office of the Chairman of the Joint Chiefs of Staff to tell them that I was headed down the hall and needed to see him right away. It's a 2-minute walk, perhaps, from the AFRICOM office to the Chairman's office. He did, in fact, suspend whatever it was that he was doing. I told him what we knew, which was not much at that time. And General Dempsey said,

well, then let's go see the Secretary.

We walked, again, directly upstairs in the Pentagon a minute or two, and Secretary Panetta suspended whatever he was doing, and I provided him an update. Again, didn't know a lot of what was going on at that time.

Secretary Panetta and General Dempsey then informed me that they had a prescheduled meeting at the White House coming up soon and that I should get as much information as I could to them before that meeting. So that began the information collection process.

Q At that point, once the Secretary and the Chairman went to the White House, did they issue any other guidance to you, any kind of a warning order at all prior to their departure?

A I had a conversation immediately as they were departing -- because we knew, I think, by that -- my recollection is that, by the time they departed, we knew that Ambassador Stevens was present at the temporary mission facility. I don't think we knew that in the very initial report. And then I recall having a secure phone conversation with General Dempsey as he was en route to the White House.

But, at that point, it was gathering information. Vice Admiral Leidig, the Deputy Commander for Military Operations, had very quickly upon learning of this redirected the one collection asset we had operating over Derna and started moving that toward Benghazi, all in an effort to gain increased situational awareness.

Q Yes, sir. I understand. But other than the guidance to you to learn as much as you can so you could update them when you get

back, did the Secretary or did the Chairman issue to you any other direct guidance about spinning anybody up, giving any units a warning order, things of that nature?

Mr. Shapiro. Prior to the meeting at the White House?

Mr. Tolar. Correct.

General Ham. The phrase that I keep remembering from Secretary Panetta is, "What do you need?" And --

BY MR. TOLAR:

Q Prior to the meeting at the White House?

A Yes.

Q Thank you.

A So it was really on me to say, "Here's what we think is happening. Here are the assets that I think we need to start moving."

Q Prior to the meeting at the White House, did you inform the Secretary of what you thought you needed, or were you still doing your analysis?

A With the exception of the relocation of the Predator, I don't think at that point before -- before they headed to the White House, I don't recall asking him at that time for any other assets.

Q Did you issue any warning orders at that time for any assets, other than, obviously, moving the Predator?

A In the operations center, they had done a very rapid reassessment of forces available. Obviously, that had occurred in the days and weeks ahead of time, but --

Q Which operations center?

A At the AFRICOM operations center.

Q Thank you.

A -- of what was available across the area of responsibility.

It is my recollection that the command center gave a -- they didn't have the authority to actually issue a warning order, so I'll say a heads-up to European Command and specifically to Special Operations Command Europe that a situation was developing in Libya and that we might need the Commander's in-Extremis Force.

So I think that was the -- again, before the Secretary and the Chairman went to the White House, I think that was all -- that, again, I could best characterize it as a heads-up to European Command had been given.

Q That's perfect.

And did you, either then or subsequently that day, have any conversations with any of the other COCOM commanders? It sounds like they were all present at the Pentagon. Did you have a conversation with any of the other COCOM commanders about assets, forces, advice, anything at all?

A Not immediately. I mean, I do not recall talking to any of the other combatant commanders. We actually weren't -- we weren't assembled. The meeting was to occur, I think, most of it, the next day. But before the Secretary and the Chairman went to the White House, I don't think I spoke with any other combatant commanders. I did later, but I didn't at that point.

Q Who did you speak with later, and what was the nature of

that discussion?

A With Admiral McRaven at Special Operations Command and probably Admiral Stavridis at European Command. I remember talking about Special Operations Command. I'm pretty certain that I spoke also with Admiral Stavridis.

Q What was the nature of your discussion with Admiral McRaven?

A To share with him what we knew, the information, and, at that point, to advise him that I intended to request of the Secretary and the Chairman the (REDACTED).

Q So the Secretary and the Chairman left for the White House. At that point, kind of, what are you doing? What's going on?

A So, in near-constant communication with the AFRICOM operations center, which was in continual communication with the National Military Command Center, building situational awareness.

It was in that timeframe, I believe, shortly after -- or sometime about the time that the Secretary and the Chairman left for the White House that we learned the tragic news that Mr. Smith had died and that Ambassador Stevens was missing.

So it was, again, gaining situational understanding. We knew those two things. And the reports were then that the fighting had largely subsided and that personnel from the Annex had recovered all of the Americans and moved them back to the Annex, with the exception of Ambassador Stevens, who was missing.

Q Were you receiving the majority of your updates, information via the AFRICOM command center?

A Yes.

Q Did you spend any time in the National -- in the NMCC?

A I think so. I recall, as a former director for operations, that was familiar turf for me. I do recall going -- I recall certainly having conversations with Admiral Tidd, who was the director for operations at the time. I just can't recall if I physically went to the NMCC or not. I think I did, but I can't say that with certainty.

Chairman Gowdy. If I understood the General's testimony correctly earlier, you were not aware that there was an annex until September the 11th.

General Ham. That's correct, Mr. Chairman.

Chairman Gowdy. All right. So you are not simultaneously but close in order learning that there had been an attack and that there had been an evacuation of U.S. personnel other than Sean Smith and the Ambassador to the Annex.

My guess is you would have questions: What annex are you talking about? Where is it? What kind of facility is it? Did you have those kinds of conversations, given the fact that you had just learned that there was an annex?

General Ham. Mr. Chairman, I think, very quickly, as the events unfolded -- I don't recall who, but the staff from the AFRICOM operations center told me about the Annex, who manned it, and that they were -- that personnel from the Annex were en route to the temporary mission facility and had, in relatively short order, evacuated Mr. Smith's remains, all of the Americans, less Ambassador Stevens,

back to the Annex.

Chairman Gowdy. Did you know much about the Annex at that point, having just learned that it existed? How many folks were there, who was there, what the purpose of it was -- who would have been your source of information for that?

General Ham. Mr. Chairman, that would have come from the AFRICOM operations center. (REDACTED). They would have provided the detailed information to the operations center.

I don't recall knowing much more other than the fact that there was a Central Intelligence Agency Annex there and that their security personnel had responded to the attack at the temporary mission facility. But I don't recall there being any discussion that night about what missions were being performed from the Central Intelligence Agency Annex.

Chairman Gowdy. What about conversations about the Annex's ability to defend itself?

General Ham. Mr. Chairman, I don't remember specific conversations, but it would be normal to have had those conversations.

Chairman Gowdy. Yes, sir.

Mr. Tolar. Sir, we're coming up on the first hour. Let's go off the record for a minute, please.

[Recess.]

[10:28 a.m.]

Ms. Green. We can go back on the record. The time is now 10:25.

And, sir, I just want to introduce Congressman Elijah Cummings, our ranking member.

General Ham. Good to see you, sir.

Ms. Green. And I think he has a few questions for you before we get started.

Mr. Cummings. First of all, General, thank you very much for being here, and I want to thank you for your service.

General Ham. Thank you, sir.

Mr. Cummings. I know you've heard those words before, but I really mean it from the depths of my heart. And we thank you for just being here, and we know you've dedicated your life to the service of our Nation.

I also thank you for the previous nine times you've spoken to the congressional -- to Congress and other investigators about these attacks. I certainly thought your last appearance before the Oversight and Government Reform Committee and HASC was going to be your last on this topic. I'm not sure why the Select Committee wanted to call you out of your retirement to come back for this tenth discussion, but here you are.

General Ham. Yes, sir.

Mr. Cummings. It is also unclear as to why our Republican colleagues waited 638 days after establishing this committee to request an interview with you. I understand that you agreed to appear

before our committee weeks ago and even arranged to fly to Washington, D.C., in order to review classified materials in preparation for the interview. However, our Republican colleagues decided to postpone your interview, even though the Select Committee didn't have any scheduled events that day. I don't know why that happened, and I want to apologize for any inconvenience that may have been -- that you may have experienced.

General Ham, you've testified repeatedly about the Benghazi attacks, and you have repeatedly said the same thing. Yet it appears that some still believe that these questions are unanswered. Therefore, I'm going to ask you once again to discuss with us the atmosphere and the actions of the military that night, and hopefully, this one will be the last time that you have to answer these questions under these circumstances.

And so let me just ask you a few questions. Was protecting American lives the top priority for you and everyone you worked with and spoke to that night?

General Ham. Yes, sir.

Mr. Cummings. And does that include everyone at the Department of Defense?

General Ham. Yes, sir.

Mr. Cummings. Did the President ever tell you to stand down or slow the military response?

General Ham. Mr. Cummings, I had no direct communication with the Commander in Chief, but no one ever passed any order like that to

me.

Mr. Cummings. Did Secretary Panetta ever tell you to stand down or slow down the military response? And I understand your previous answer, but I want to make it clear. We're establishing a record for the tenth time, but go ahead.

General Ham. He did not.

Mr. Cummings. Did the Secretary of State or anyone else ever tell you to stand down or slow down DOD's response?

General Ham. No, sir, and I had no communication with the Secretary of State during this incident.

Mr. Cummings. Do you have -- all of the authority that you needed to move the appropriate forces that night, did you have it?

General Ham. Sir, when the Secretary of Defense transferred operational control of certain military forces to my control, I believe I then had full authority to employ those forces as I deemed appropriate.

Mr. Cummings. So all of these questions and theories over the years imply that you or other military officials had assets at your disposal that you chose not to send. Can you respond to that?

General Ham. Sure. There were assets available that I chose to not employ, among them strike aircraft. But those decisions were mine, based on my military judgment and assessment of the situation as it was developing, and certainly with the advice and recommendations of subordinate commanders in my operational staff.

Mr. Cummings. And if you can answer this, please do: What do

you think the impact of those kind of allegations, what might they be on the morale of the military?

General Ham. I think it is reasonable in hindsight to ask questions about decisions and choices that were made. I do worry if those questions start to undermine and question the commitment of the servicemembers involved, that would be troubling to me.

Mr. Cummings. Once again, I thank you for being here. I'm going to probably be in and out today, but again, thank you.

General Ham. Yes, sir. Thank you.

EXAMINATION

BY MS. GREEN:

Q General, in the last hour, my colleagues asked you about your awareness of the Agency facility in Benghazi. And you mentioned, as you have before, in your prior testimony, that you were not aware prior to the attacks of that facility, correct?

A That's correct.

Q And while you didn't personally know about that facility in Benghazi, did that in any way slow your response on the night of the attacks?

A It did not. Certainly, in my mind, it did not. (REDACTED) knew of that facility. I learned later that members of my intelligence and operations staff were also aware of the Central Intelligence Agency Annex.

Q Yes, sir. And we had the opportunity as well to interview (REDACTED), and he also told us that he and others were aware of the

presence, and he was in regular contact that night with the chief of station and communicating that back to your folks at the command center.

Shifting to the posture and the environment in Africa in your area of responsibility leading up to September 11, (REDACTED). And he, similarly as you, described the environment, and he said, quote: "To put it in the right context, a number of other CT issues coming up all over Africa, I do recall getting there, by that point, being surprised to see how much activity there were in different places and a very broad spectrum of threats in different parts of Africa. The Command was trying to get its hands on each one and each one was complex."

Does that comport with your understanding of the environment as (REDACTED) described it?

A It does. It was highly complex and a diverse array of threats.

Q In the last hour, sir, my colleagues spent quite a bit of time talking with you about the SST and various decisions made. And I have no questions about that because I had the opportunity to read your transcript from 2014, and more than 40 pages of that transcript are devoted to detailed discussions of the SST, so thank you for that.

There have been criticisms over the military's response, as you know, sir, and claims that there was confusion within the chain of command over prepare-to-deploy orders versus execute orders, whether there was confusion over command relationships and authorities, and ultimately whether those things slowed the Department's response. We've heard from Secretary Panetta and others who have explained the

military chain of command, which I understand runs from the President to the Secretary of Defense and then to the combatant commander. Is that correct, sir?

A It is correct.

Q Secretary Panetta explained to this committee that during his meeting with the President, the President directed him to do all he could to save American lives. Do you recall understanding that this was the direction when the Secretary and the Chairman returned to the Pentagon?

A Yes. When Secretary Panetta and General Dempsey returned from their meeting at the White House, we convened once again in the Secretary's office. There were a few others in the room, I believe, Vice Admiral Tidd, the Director for Operations; I think Lieutenant General Kelly, who was then senior military assistant; perhaps a few others.

Secretary Panetta, General Dempsey gave a quick synopsis of their conversation with the President, and it was of that nature: What do we need to do to respond to this situation? And Secretary Panetta's question to me throughout our conversations, both earlier and in this meeting, were, what do you need? And it was in that second meeting when I asked him for authority to employ the Commander's In-extremis Force, the Fleet Antiterrorism Support Teams, and (REDACTED).

Q And, sir, as you were preparing these options for the Secretary, did anyone place any limitations on what assets you could recommend?

A Certainly not, no. It was clear to me from both the Chairman and the Secretary this was an evolving situation with American lives at risk. This was highest priority. So there were no constraints placed on me and what I could request.

Q And, sort of, going back to the chain of command, sir, we had the opportunity to speak with Admiral Leidig, and he explained the first couple of conversations he had with you that he spoke with you just before the Secretary and the Chairman went to the White House, and then the second conversation that he recalls having with you was once the Secretary returned.

And, sir, I'm going to quote Admiral Leidig. He said: "My recollection is that the second time I talked to General Ham, he then said that he had met with the Secretary and the Chairman, and then he said -- he gave me three very specific things: that we have permission to move the EUCOM CIF forward; we were told to get the FAST team ready to prepare to deploy to Libya; and that the Secretary had also authorized the U.S.-based Special Operations Force to move into the AOR. And so he told me he'd had the meeting and that the Secretary had authorized those and that I would see, you know, written orders, prepare-to-deploy orders for those three units," end quote.

Admiral Leidig also confirmed what you said earlier, that he had already notified EUCOM about the CIF to give folks a heads-up. But, General Ham, were the manner in which these orders were communicated -- from that first meeting with the President to the Secretary's decisions based on your recommendations and then your

communication with Admiral Leidig -- reflect the appropriate function of the chain of command?

A In my assessment, yes. The Secretary of Defense is my next senior in the chain of command, and with the authority to make the kinds of decisions that he did, received my recommendations with the advice of the Chairman of the Joint Chiefs of Staff, as is the appropriate role for the Chairman of the Joint Chiefs. The Secretary then made a decision, and I believe that that is how the system is supposed to work. And in my experience as a combatant commander, as a service component command commander for combatant command and as the Director for Operations on the Joint Staff, I believe, in my view, that is the appropriate functioning of the chain of command.

Q Sir, my colleagues asked you in the last hour about the use of strike aircraft, first, why you didn't have them on alert status leading up to 9/11 and why you didn't deploy them on that night. You have been asked and answered those questions many times, and you've tried to explain in your judgment that those were not the appropriate tools for the situation that night.

Sir, this committee is in possession of a memorandum for the record that's dated November 26, 2013. It's from the Department of Defense Assistant Secretary of Defense for Legislative Affairs, Elizabeth King. The memorandum was provided to Congress more than 2-1/2 years ago and contains, quote, "a summary of General Carter Ham's consideration of non-ISR air assets over Benghazi on September 11 and 12, 2012."

Ms. Green. I'd like to mark the memorandum as what will be exhibit 1 for identification purposes.

[Ham Exhibit No. 1

Was marked for identification.]

BY MS. GREEN:

Q General, do you recall this document being provided to Congress?

A I do not.

Q I can't say that I blame you. I'm sure you've provided many RFIs and responses to Congress. Did you have the opportunity to review this before you spoke with us today?

A I do not recall having seen this. If I may ask a question of the -- our OSD colleagues. I did have an opportunity to review the classified transcript from the 2014 interview. I don't know if this was part of that.

Mr. Hudson. It was not.

BY MS. GREEN:

Q It wasn't, sir. However, you explained -- there are quotes in here from your prior testimony, and you explain why you chose not to deploy strike aircraft. On the bottom of the first page, you explain distance and time and later that there was no clarity on the ground. So I would just like to ask you, sir, if you stand by these previous statements and the reasons that you provided, which I think you also explained a bit in the last hour.

A If I may have a moment to read these.

Q Please.

A I stand by those statements that are attributed to me.

Q General, over the last 2 years of the life of this committee, allegations have arisen regarding various assets that some think existed and could've been used that night: One is a U-28 that was allegedly in Souda Bay. The committee has no evidence of this, but our colleagues continue to think that this existed; also the idea of arming a drone (REDACTED) and sending it to Benghazi.

I would just like to ask you, sir, if your explanations for not employing strike aircraft, if the reasons for not employing them would be similar if, in fact, you had an armed drone or some other hypothetical aircraft.

A I feel quite confident that the AFRICOM operations and intelligence staff, now operating at what could be termed "all hands on deck" under Vice Admiral Leidig's direction on scene at Stuttgart. And I would state, to me, Vice Admiral Leidig was my most trusted advisor, extraordinarily competent officer, that I am confident that they conducted a complete survey of available assets and made recommendations, appropriate recommendations of the employment of any assets that may have been available to us as events were unfolding that night.

Q Sir, the Select Committee has had the opportunity to interview not only Admiral Leidig but others within your sort of senior leadership at the Department of Defense on that night. I would like to share some of their comments with you with regard to your

decisionmaking on strike aircraft.

General Breedlove told the Select Committee that he agreed with your decision about fighter jets for the same reasons that you have explained; namely, there was no JTAC on the ground and the likelihood for collateral damage was high. He further stated, quote: "I completely agree with the judgment not to use kinetic weapons via fighter aircraft in that environment," end quote.

General Repass was also asked whether he agreed with your judgment, and he said, quote: "I've known General Ham, and I've worked with him, and I trust his judgment," end quote. He went on to explain to the Select Committee that, quote: "If you are blindly throwing ordnance at somebody out there, you are going to inadvertently kill people who ought not be killed," end quote.

Admiral Tidd was also asked if he believed the forces deployed were appropriate, to which he responded, quote: "Given the information that we had at the time, those were, without a doubt, the premier, most capable forces that we had to deal with a highly chaotic and uncertain situation, and we needed to send the best possible eyes and ears forward. Not knowing what we were going to be dealing with, the people who would be on the ground would be the most capable of making the right decisions in a very critical, time-compressed environment. They were the best trained that we had for that kind of situation."

Sir, I have no questions for you on this topic. You've explained in detail your decisionmaking. I would just like to give you an opportunity to share with this committee how these types of repeated

investigations impact troops and leaders within the Department of Defense.

A I have not read or heard those statements prior to this, but I obviously concur with the assessment of those senior military leaders. I think it's absolutely okay, in fact, I think required, in hindsight to assess actions that were undertaken and decisions that were made.

I do get concerned if the questions start to undermine the reliability and certainly the exceptional commitment and professionalism of those involved in the decisionmaking. I think that can potentially lead to difficulty. But I think, again, we have an obligation to look at these things in hindsight. But it is also important to judge them in the context in which events were unfolding, which is sometimes often, perhaps almost always, not as clear as things are in hindsight.

Q Yes, sir. And Admiral Tidd said something in that vein. He said, quote: "There was an enormous sense of urgency to try to sort through all of the conflicting information that we were getting and had been getting. And yes, I think everyone was doing everything they could to try to sort through that, the conflicting information, and to make the best possible decisions they could," end quote.

Sir, I think, given the crossing of combatant commander boundaries that night, there's sometimes confusion about authorities and who has control of what assets and the possibility that that may have slowed the Department. We asked your deputy, Admiral Leidig,

about guidance with regard to those assets, and he said, quote:

"Guidance was very clear that the EUCOM CIF was to get -- they were to rejoin their aircraft, and then they were directed to move to Sigonella, and from there, they would be prepared to deploy to our AOR."

Is that consistent with your guidance you provided to Admiral Leidig?

A It is.

Q General Repass tried to explain to us as well about authorities and command relationships. And he was asked, quote: "You mentioned it wasn't unusual for certain authorities to be withheld at the time of deployment. Was there any concern that those authorities would be withheld or that the failure, the lack of authorities being issued, in any way slowed the deployment of that particular unit?"

General Repass responded, quote: "No, it didn't slow the deployment at all. Once the decision was made to deploy, everything goes on an amazingly quick timeline for the U.S.-based Special Operations team to move out. So that did not slow anything on the U.S.-based Special Operations team side," end quote.

Is that your sense as well, sir, that once the orders were given everyone was doing everything they could to respond?

A There was, across Africa Command, certainly my sense in the Joint Staff and in the Office of the Secretary of Defense, a profound sense of urgency. When the Secretary of Defense made the decisions upon advice and recommendations of myself and of the Chairman of the Joint Chiefs of Staff to transfer operational control of certain

entities, he also established for the purposes of this event that Africa Command was, in military terminology, the supported command. That conveys across the Department of Defense to all other combatant commands, geographic and the specialized commands, to the military departments, the defense agencies, and all others that for this event, AFRICOM is the supported command, and all others are to do what they must do to support, in this case, AFRICOM's requirements.

So, again, I think there was a very, very noticeable and profound sense of urgency, and I certainly detected no hesitation from any other combatant command, defense agency, or any other to be responsive to the command's needs.

Q Some have criticized the U.S. military for sending the CTF and the U.S.-based Special Operations team to an intermediate staging base rather than directly into Benghazi. General Dempsey testified to the House Armed Services Committee in October of 2013 that, quote: "Because threat streams increased in a number of locations simultaneously, we postured our forces to respond regionally as well as specifically to the threats in Libya."

Admiral Leidig also explained why Sigonella was picked as an ISB. He said, quote: "Sigonella was picked for that specific location because if you look at where Sigonella is, it is central in the Med. It is quickly deployable to Cairo, if needed, to back up Central Command, to Libya, to Tunisia, any place in Northern Africa that they could get to from there," end quote.

From your perspective as the commander, sir, why was it important

to use an intermediate staging base that night?

A There are a number of reasons to use an intermediate staging base. In this circumstance, in my assessment, based upon the reporting from Libya that after the initial terrorist attack on the temporary mission facility, in which Mr. Smith was killed, his body recovered, all other Americans recovered to the Central Intelligence Agency Annex, less Ambassador Stevens. And the reporting that I had was that the fighting had largely subsided, that the mission was then changing from an immediate response to potential hostage rescue of a U.S. Ambassador.

That's the type of mission that requires very detailed intelligence and specialized force, having the Commander's In-extremis Force posture at Sigonella, put them in the best place to start to gather that intelligence that might be needed for, as their name implies, an in-extremis operation; or, more traditionally, the Commander's In-extremis Force sets the stage for the arrival of the (REDACTED) So, for a host of reasons, arrival at the intermediate staging base, to me, made all the sense in the world.

Q Were there broader threats, threat streams coming in about other areas within your AOR, sir?

A Yes. Across the region, several of the areas that you mentioned, Cairo, Khartoum, Tunis, also Bamako, and other locations across Africa were places that we also were watching to see how those might evolve. We had -- my recollection is we didn't publicly talk about it at the time, but we had U.S. Special Operations Forces on the ground in Somalia that we were concerned about as well. So there were

a number of locations that the intelligence community was watching very closely. And based on the reporting that I had at the time, the situation in Benghazi was different than it was at the outset. It was no longer immediate response to an ongoing attack; it was -- it had shifted, in my mind, to potentially a hostage rescue situation.

Q And, sir, what you just explained to us is almost precisely what General Dempsey explained to the Senate Armed Services Committee on February 7, 2013. And he said, quote: "I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us, nothing slowed us. The only adaptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the Ambassador was. But once we started moving forces, they didn't slow, they didn't stop," end quote.

I presume you concur with General Dempsey's comments, sir?

A I do.

Q The Republican-led House Armed Services Committee conducted an investigation into the Benghazi attacks, and they concluded that the Defense Department did its best to move assets into the region as quickly as possible, but that the tyranny of time and distance precluded them from being there in time to save the Ambassador.

Sir, do you agree with that conclusion?

A I do.

Q And, General Ham, in reviewing your prior testimony and hearing you again today, I know that you did everything possible to

move personnel into the region in a timely manner. Have you ever come across any indication that any of your staff or anyone else at the Department had any less of an imperative to move quickly to rescue our people?

A I was struck that night and the next morning and remain impressed today by the extraordinary professionalism and sense of urgency from all the DOD personnel, those who were on the ground in Tripoli, those who went to Benghazi, those who responded in the Commander's In-extremis Force, and my own staff under Vice Admiral Leidig's direction. Again, the best phrase I can use is it was "all hands on deck" to find, continually pursue options to address this evolving situation.

Q Sir, many of the questions and theories over the years that the Benghazi attacks have been investigated allege that forces weren't sent to Benghazi on the night of the attacks, which they weren't. But they seem to imply that you or others within the military chain of command or within the interagency had resources at your disposal but you simply chose not to send them. So I would like to give you an opportunity to respond to that.

A We have already addressed the issue of the strike aircraft, so it is fair to say, and I acknowledge that others will disagree with my decision regarding the alert and deployment of strike aircraft. So I understand that others may have come to a different conclusion than I did, but I remain to this day believing that that was the correct solution.

The appropriate forces for response, the Commander's In-extremis Force, the Fleet Antiterrorism Support Teams, (REDACTED) and the repositioning of intelligence, surveillance, and reconnaissance assets, I believe, was appropriate given the circumstances as they were evolving at the time.

Q Sir, there continue to be questions raised since the attacks about whether there was any delay to the military response based on waiting for country clearances. I would just like to point out that, on July 25, 2015, the Department of Defense responded to requests for information from the Select Committee and answered that question pursuant to Lieutenant Colonel (REDACTED) February 2014 interview by Oversight and Government Reform and the House Armed Services Committee. Lieutenant Colonel (REDACTED) said he received, quote, "carte blanche permission from the Government of Libya."

This memorandum also quotes Admiral Leidig's 2014 interview before the Oversight and the House Armed Services Committees. He said: "No transport aircraft were delayed due to the lack of flight clearances."

Admiral Leidig was also very clear when he testified before us that there was absolutely no delay because of issues with flight clearance. Did anyone ever express to you that there was a delay because of the inability to obtain clearance for aircraft, sir?

A I do not recall any such conversation.

Q General Breedlove also confirmed for this committee that there was no issue with flight clearances in Italy. He had the

following exchange:

"Question: Challenges with the Italians and getting clearance in an in-extremis type situation?

"Answer: So I think my recollection of this night is we had no problems getting clearance that we needed from the Italians.

"Question: When you task the 31st Air Wing to prepare for aircraft for deployment, did that also include them being armed?

"Answer: Yes.

"Question: How long to get permission from the Italians?

"Answer: When there is an in-extremis, my recollection is we got what we needed fairly quickly.

"Question: To include arming of the aircraft?

"Answer: That's correct."

We can go off the record.

[Recess.]

BY MS. SAWYER:

Q General, thank you, and I just have a few questions. I think we have about 5 minutes or so left in our hour, so I'll try to be as brief as I can. I think I explained to you before we started that I don't have a military background, and I've done my best over the past few years to gain an understanding. But it would be helpful, and I just wanted to try to gain clarity.

And I have reviewed your prior testimony, and I apologize for taking you back to this issue of the strike aircraft, but I was struck by some of the things you said today, in particular when you were talking

about the decision not to put strike aircraft on heightened alert in advance of 9/11/2012.

You had articulated some conditions that would have to exist for that to have been an appropriate decision in your view: one of which was you would need detailed information about conditions on the ground; second was a specific means of targeting a target on the ground; information about the presence of air missile defense systems; and then the ability to posture and assure forces if rescue of a downed pilot or some other condition arose.

With regard to those conditions, and particularly the -- you've said a number of times you had to make decisions that night as well in the context of events unfolding, did you feel like you had the information necessary to have made it be appropriate to use strike aircraft to address what was happening in Benghazi that night?

A As events unfolded that night, the operations intelligence staff, certainly in concert with the commander of U.S. Air Forces Africa and his staff, reconsidered the possibility of strike aircraft and came to the same recommendation which caused me to come to the same decision that strike aircraft were not appropriate in response to the situation as it was evolving.

That was particularly clear to me in the -- as the initial attack on the temporary mission facility subsided, at least according to the reports that we had -- that I had -- and that all of the U.S. persons, recognizing it was Mr. Smith's remains and, with some delay, Ambassador Stevens' delays -- remains had been recovered, that the situation was

significantly different than the initial attack that had occurred and reinforced in my mind that strike aircraft were not the correct response to the situation as it was developing in real time.

Q So it does sound like there's certain criteria: One is obviously availability of strike aircraft; two is the time that it might take to get to the location they need to be in; and then third would be, is it appropriate even if they are postured and there and available? And it sounds like, in some ways, even if they were there and had been available, they might still not have been the appropriate tool given what -- you're in an urban, you had an ambassador missing. If they had been there for the initial attack, even at the temporary mission facility, how could strike aircraft have been used and not have an additional loss of American lives? That's something I've never quite understood. Can you help explain that?

A So, in the decisionmaking, I would say the first question was, are strike aircraft the right response. If the answer -- my -- ultimately, upon advice and study and recommendation and my own judgment, the answer to that was no. But had the answer been yes, then the other things could be put in place. You could station them differently, reposition them, place them on heightened alert and those -- so those kinds of mechanical things could have happened.

In the instance, as things evolved, during the attack and the subsequent events of that night, as I look back on that knowing what I know now, I just do not, in my military experience, see an opportunity

where the application of strike aircraft would've been appropriate. It could've made things worse, either by causing friendly casualties, American or Libyan; causing casualties amongst noncombatants, which would further incite things; or mechanical failure, many other things that can happen with a downed aircraft. So, all of those things considered, I still come to the conclusion that strike aircraft were not the appropriate response that evening.

Q And so, just to be perfectly clear, you know, we have heard people describe it as kind of three phases, one of which was the initial assault on the temporary mission facility, and you've talked some about that. And, again, at that point in time, it sounds like you were still trying to gather information, but we certainly knew there were Americans at least initially, at least for an hour in that facility, who were alive. So had there been strike aircraft, would it have been appropriate to use them to target that facility at that point in time?

A In my judgment, absent clearer situation around -- in those environs, strike aircraft would not have been appropriate.

Q And then you've talked a little bit about a second phase that sounded, while the Ambassador was missing, could be a hostage rescue situation. I think you've explained to us that strike aircraft would not be the appropriate force in a hostage rescue. Can you just explain why that is and that you had -- that the appropriate forces were certainly being -- and I don't want to use the wrong terminology. I don't know if it's spun-up or deployed or what the right terminology is, but can you explain in that period of time why strike aircraft would

not have been appropriate?

A In my opinion, when all of the Americans, less Ambassador Stevens and Mr. Smith's remains, had been recovered to the Central Intelligence Agency Annex and relatively safe haven reports I had were that fighting had subsided and we were then, in my mind, transitioning to the likelihood of a deliberate hostage rescue situation, the two best forces for that were the Commander's In-extremis Force and the (REDACTED), which is by far the best force.

It could have evolved. Had we found ourselves later truly in a hostage rescue situation, it may well have been that the (REDACTED) would have wanted some strike aircraft to support their mission, and that certainly could've been made available. But that situation, that period of time where in my mind we were contemplating hostage rescue, that changed pretty quickly once the Libyans reported and subsequently handed over Ambassador Stevens' body, that we were then no longer in hostage rescue.

Q And then, at that point in time going forward, and I think from the timeline we had gotten from the Department of Defense, it indicated that was around 3, 2:45, 3 in the morning, what was the thinking and why kind of going forward at that point the Ambassador is -- we have learned that the Ambassador is dead. There are people at the Annex facility. Why at that point in time would, in your view, it still not have been appropriate, had strike aircraft been there and available and ready to go, to use that as a tool?

A In my view, in my understanding of the situation at the time

as events were unfolding, in that circumstance, the fighting had subsided. All the Americans, less Ambassador Stevens and Mr. Smith, whose bodies had been recovered, were preparing for movement under the Embassy's control from Benghazi back to Tripoli. They were coordinating with the Libyan Government. And my assessment, as informed and advised by many others, was that that movement was proceeding as intended.

We certainly have learned pretty quickly that that was not the case and that movement did not occur in a timeline which was envisioned. But even in that -- even as events unfolded in real time, the presence or the availability of strike aircraft, in my view, would not have made a difference, would not have been the appropriate response or action to take as things unfolded in real time.

Q And when you say "as things unfolded in real time," I assume -- I just want to clarify -- that you're talking about the movement of the team from Tripoli that included some Department of Defense personnel, personnel to the Annex, and then the mortar attacks that occurred --

A That's correct.

Q -- immediately upon their arrival there?

A Well, I think, to be clear, the personnel from Tripoli moved to Benghazi and were there for some time before the second attack, the attack on the Central Intelligence Agency Annex.

Q Right.

A There was a -- certainly a time differential there before

that team could move from the Benghazi Airport to the Annex.

Q Right. They had -- yes, just to clarify, they had arrived in Benghazi and then had a delay at the airport, and it was when they were able to go from the airport to the Annex that the mortar attacks --

A Correct.

Q -- occurred shortly thereafter. And that's the time period you're talking about where, again, the use of strike aircraft would not have been, in your view, an appropriate tool?

A In my view, that's correct.

Ms. Green. We'll go off the record.

[Recess.]

BY MR. TOLAR:

Q Let's go back on the record, please. It's 10:30, sir. We're going to start another hour of questioning, please, sir. 11:30, as it was. Sorry.

I just want to follow up on a couple of questions real quick on the -- your previous testimony. Would you please describe for me how a strike aircraft may be employed without utilizing a kinetic device? How might a commander take advantage of that and use that aircraft?

A There are a number of different ways to use aircraft, to include strike aircraft. Obviously, its primary purpose is the deliverance of ordnance, but you can also use aircraft for show of force to demonstrate presence and mission such as that.

Q Any other -- in addition to show of force, are there any other ways it could be employed without dropping ordnance?

A Strike aircraft also have some -- not optimized but have some ability for intelligence collection as well, certainly pilot reports and the like.

Q Could they drop flares over an area to light it up?

A In most cases, yes. In most strike aircraft, those types of devices are for protection more so than for illumination. There are certain aircraft that have illumination capabilities.

Q And in terms of show of force, are you speaking of something like a high-speed pass over an area?

A It could be that. It could be mere presence.

Q Yes, sir. Sir, are SOC personnel, Special Operations Command personnel capable of calling a line-nine brief to a strike aircraft?

A For the most part, yes.

Q Are they -- for all intents and purposes, are they capable of serving as a JFAC or JTAC on the ground?

A They're not quite as capable but certainly can perform that function.

Q Any reason to think that the Special Operations Command personnel in Libya during the operation did not have that capability?

A The Special Operations personnel who were in Tripoli, I assume, had that capability.

Q How about the two Special Operators personnel that were in Benghazi at the airport? The staff NCO Special Operators personnel that were at the airport, would they have that capability?

A I assume they had that capability. They, by the time they arrived, in my estimation, in reports the fighting had subsided.

Q Yes, sir.

At some point during the evening, Admiral Tidd reached out to Special Operations Command requesting from them when they wanted N-hour to be established. Would you please help me understand why a supported commander would dictate N-hour vice the supported -- why SOCOM would be setting N-hour, as opposed to yourself, who is the supported commander?

A I don't -- I'm obviously not aware of the conversation that occurred between Vice Admiral Tidd and Special Operations Command. Having served as the Director for Operations on the Joint Staff, it does not strike me at all unusual that the operations, that the J3 on the Joint Staff would coordinate the establishment of N-hour with all affected commands.

Q Did Admiral Tidd reach out to you and ask you when you thought N-hour should be?

A I do not recall a specific personal conversation with him, but I am confident that he had -- that the AFRICOM operations staff had that dialogue with the Joint Staff operations staff.

Q About when hour should be set?

A The establishment of N-hour is codified in a Secretary of Defense execution order, so it's not determined by any particular command. It is established in the execution order. I would expect that the Joint Staff would solicit feedback and input from all affected

commands before making a recommendation and establishing N-hour for the entirety of the Department of Defense.

Q But you don't recall ever personally engaging in any conversation about when N-hour should be set?

A I do not recall a personal conversation with Vice Admiral Tidd on that subject.

Q And did any of your staff consult with you about what you thought or what they were inclined to say as to when N-hour should be set?

A I don't recall a specific conversation. It would've been a normal part of a conversation with the operations staff, but I can't recall specifically that that occurred.

Q Sir, do you know who determined that Sigonella would be the ISB for this event, whose decision that was?

A Ultimately mine. I would suspect -- I mean, again, I don't -- I remember -- I would approve that, but it would be the operations staff acting, Vice Admiral Leidig acting on my behalf.

Q Yes, sir. Did you ever consider Souda Bay as an ISB?

A I don't know. I don't know if the operations staff considered it. My assumption is that they did, but I don't know that for certain.

Q How would you describe our ability to operate DOD forces out of Souda Bay versus our ability to do so at Sigonella? Was it easier? Was it more difficult? Were the rules a little bit looser? Were they more stringent? Compare and contrast for me Souda Bay versus

Sigonella in terms of its ability to function as an ISB.

A I am not aware of any significant difference in the two.

Q Is it possible to refuel aircraft at Souda Bay?

A I don't know. I assume so, but I don't know.

Q Is it your opinion -- I mean, I know that, obviously, we chose -- you chose Sigonella as the ISB. Did you have any input at all after Souda Bay? Did you discuss that at all? Did that ever come up, or was it ever considered?

A I do not recall a personal conversation of that. I am confident that the operations staff considered all alternatives.

Q In terms of the assets that you considered, what was your understanding of what Special Operation assets were available to you that night?

A First was the Commander's In-extremis Force, again, a European Command-assigned force but detailed specifically to be postured to support Africa Command --

Q Yes, sir.

A -- the small number, six Special Operations personnel from Special Operations Command Africa who were present in Libya and, ultimately, the (REDACTED).

Q Were you aware of any other Special Operation aircraft that potentially could've been utilized in some type of response?

A I am not personally aware of that.

Q Was there ever any discussion of any kind of aircraft at Souda Bay, whether it was owned by Special Operations Command or any

other command?

A Not that I recall personally.

Q Did you subsequently learn of any aircraft at Souda Bay that could've been employed?

A Not that I recall.

Q Sir, as you considered your assets and what the appropriate response would be, was there ever any discussion about reaching out to NATO or allied partners in terms of how they might be able to help us or support us in a response?

A I don't remember having any -- again, any personal conversations in that regard. And other than basing, I don't remember having such conversation with the operations staff at Africa Command.

Q Are you aware if anyone else had considered NATO as an option to help us in our efforts?

A I am not aware of that.

Q One other followup on strike aircraft. Obviously, surface-to-air missiles were rampant in Libya at that time. And given your knowledge of those, what is your understanding what impact those may have on their ability to engage a fast-moving aircraft operating at night? How effective would those be at night against the fast-moving aircraft?

A My recollection of the intelligence at the time is that some of the most modern man-portable air defense systems were reported to have been present in Libya, and they do have an improved capability to operate against high-performance aircraft.

Q Even at night? Does it matter? Or does it matter?

A I am not an air defense expert, but I believe that systems such as that are somewhat more difficult to operate at night, but the most modern systems have improved capability.

Q Yes, sir.

Sir, at what point did the assets become OPCON to you? At what point did you control them?

A My belief is that when the Secretary of Defense approved the request for the three entities, the Commander's In-extremis Force, the Fleet Antiterrorism Security Team, and (REDACTED) that I believe that upon the Secretary's decision to transfer operational control that I then had the authority to employ those forces.

Q Does that mean that you could reach out at that point and tell Special Operations Command, you do this with the CIF now?

A I believe so.

Q Same thing when it comes to the FAST team?

A I believe so.

Q Same thing with the (REDACTED)?

A I believe so.

Q As we continued through the evening, you talked about, at some point, you felt like there was -- after the attacks on Benghazi or the TMF and the movement over, there appeared to be a lull in the action. Is that fair?

A That was my -- it was my assessment based on the reporting that was available to me principally from the AFRICOM operations and

intelligence center but also from the Joint Staff and others. My sense was, after the initial attack on the 6 temporary mission facility, the subsequent response by persons from the Central Intelligence Agency Annex and the recovery of all Americans, Mr. Smith's body, Ambassador Stevens still missing, that the fighting had largely subsided in Benghazi.

Q Are you aware that the movement from the TMF to the Annex was wrought with gunfire and whatnot, that they were engaged for the duration?

A That was not my understanding at the time.

Q When did you become aware of that?

A I did not.

Q Okay. Were you aware that, for all intents and purposes, for the duration they were at the Annex, that there was small arms fire pretty much --

Mr. Gowdy. Before you get to the Annex, give the general a chance to -- you mentioned the movement from the mission compound to the Annex. To the extent the general may not be aware of it, tell him what the testimony has been to date about what that trip was like, what was encountered. Or I'll do it.

[11:45 a.m.]

Chairman Gowdy. Grenades thrown under the vehicles of our cars going from the Mission Compound to the Annex, were you made aware of that?

General Ham. I was not, Mr. Chairman.

Chairman Gowdy. There has been testimony that a machine gun was put up against the window of one of our vehicles and discharged at what they described as an ambush. Were you made aware of that?

General Ham. I was not, Mr. Chairman.

Chairman Gowdy. Okay.

Mr. Jordan. If I could, there was also, from previous testimony, an attempt to direct one of the vehicles to go into a certain area, which would indicate an ambush being set for them, and then the actions that Mr. Gowdy talked about with the other vehicle took place. Were you aware of that?

General Ham. I was not, Congressman.

Mr. Tolar. And are you learning that for the first time here today?

General Ham. Yes.

Mr. Tolar. Okay.

Were you aware that, once they did arrive at the Annex, they were subject to gunfire pretty much for the duration until the mortar attack?

Ms. Green. Mac, that's not established in the record.

General Ham. The characterization of the situation upon the movement of the American persons from the temporary mission facility

to the Annex, the best descriptor I can give you based on the information I had was that it was characterized as the fighting had largely subsided.

Mr. Tolar. Based on what you're learning today, does it sound like it had subsided?

General Ham. I don't know upon what to base that, because I don't have that information. But I'm hearing what you're saying, others are saying -- have said, but I don't know that. Personally, I just can't comment, because I don't know that.

Mr. Tolar. Well, assuming that is accurate, does that give you the impression that things had subsided?

General Ham. I could only base my decisions based on the characterization of the environment as I perceived it and as it was reported. And, again, in real time, it was characterized as the fighting had subsided.

Mr. Tolar. And, sir, I understand that, and I appreciate that. I'm not asking you -- I guess what I'm trying to establish here, potentially, is that perhaps what information you had at the time perhaps it wasn't up to date and wasn't accurate. And that's what I'm trying to figure out here, if that is, in fact, a fair assessment of the situation.

Ms. Sachsman Grooms. Up to date at what time during the evening?

Mr. Tolar. When he was making his decision.

Ms. Sachsman Grooms. Well, at what exact time, though, are we talking about?

Mr. Tolar. Is my question confusing, sir?

General Ham. I understand that others who were on-scene have reported the situation from their perspective. I can only comment on the situation as I perceived it, not as others perceived it.

Mr. Tolar. Had you had a greater understanding as to actually what was going on at the time, would that have impacted your decisionmaking in any way?

Ms. Sawyer. So, Mac, I think it's fine to ask him that question, he can answer it, but I do want in the record that you're saying what was actually happening on the ground at the time is your representation, one that the Democrats do not agree with. But it's fine for you to ask the question and have him speculate.

Chairman Gowdy. Well, I don't think it's speculation. It's rooted in testimony that the committee's previously received. So you can characterize it as speculation if you want to --

Ms. Green. Could we get that testimony?

Chairman Gowdy. But --

Ms. Green. Because we don't have copies of that.

Chairman Gowdy. No, you do. You've been present for all of these witness interviews. So --

Ms. Green. If you have the testimony --

Ms. Sawyer. I understand what you're saying, that --

Chairman Gowdy. -- it's available to you.

I think the fairest thing to do, General -- you're being asked

to comment, would you have changed your decisions based on new information, when you did not have that information at the time.

Ms. Sawyer. And that there's a dispute --

Chairman Gowdy. That's the question.

Ms. Sawyer. -- over whether that information is as it's been represented to you today.

Chairman Gowdy. So what I would like you to do is -- let's go back to when you initially learned of that attack on the Mission Compound. What was your source of information --

Mr. Jordan. Correct.

Chairman Gowdy. -- and what, with the degree of specificity you can recall, were you told about the nature of that initial attack?

General Ham. Mr. Chairman, the initial reports, as you would appreciate, were pretty sporadic, pretty incomplete, sometimes conflicting.

What was clear to me at the very initial report was that there was some type of attack at the temporary mission facility, followed shortly thereafter by additional clarity, to include reports of rocket-propelled grenades, light, perhaps medium machine guns, and applied with some precision at the temporary mission facility.

This conveyed to me and, I think, to all across the command and the operations center that this was indeed a terrorist attack. This was not a couple of -- well, there are weapons present everywhere in Libya. They're typically small arms. This was different than that. So that was kind of my initial sense, Mr. Chairman, of the initial

attack at the temporary mission facility.

Chairman Gowdy. All right.

And in terms of the nature of the weaponry, you mentioned rocket-propelled grenades. What other kind of weaponry, to the best of your recollection, would you have been told about contemporaneous with your learning of the attack?

General Ham. So what I recall was, initially, small arms, then the reports of rocket-propelled grenades and light, perhaps medium machine guns.

Chairman Gowdy. Were you given a sense, General, of the number of attackers?

General Ham. Mr. Chairman, I don't think so initially. I think it was just -- it was unclear. I don't recall a specific number, but in the conversation and as information came in, I think that I probably had a better sense. I just can't recall today what the number was.

Chairman Gowdy. And to your recollection, your flow of information continued. Pick up for me when you would have received additional information of -- laying aside the veracity of the previous testimony, you, I think, testified a few minutes ago you were not aware that there may have been difficulties getting from the Mission Compound to the Annex, that you had learned that today.

General Ham. That's correct, Mr. Chairman.

Chairman Gowdy. All right. So, to the extent you can go back in time, what was your next body of information after the initial attack, the RPGs, small-caliber -- is that the right phraseology?

General Ham. So it's small arms --

Chairman Gowdy. Small arms.

General Ham. -- rocket-propelled grenades, and then light, perhaps medium machine guns.

Chairman Gowdy. All right. And is it --

General Ham. And I think it -- I'm sorry, Mr. Chairman. I think it was important to me, in that initial -- some of that early-on reporting, that some of the fire was applied with precision. That was a fairly important distinction.

Chairman Gowdy. All right.

And then you are told or provided information that there's been an evacuation from the Mission Compound to the Annex. To the extent you can, pick up with what information flow you were receiving at that point.

General Ham. So, Mr. Chairman, my recollection is that, again, not initially but pretty early on, the reporting was -- when we learned that Ambassador Stevens and a small team were there, not long thereafter Mr. Smith's body was recovered. I recall that that was reported, that the facility was largely ablaze at the time, so difficulty recovering Mr. Smith, not able to recover Ambassador Stevens.

The personnel, security personnel, from the Central Intelligence Agency Annex -- this is about when I first learned of the presence of that annex -- moved to the temporary mission facility. I kind of vaguely recall reports that they not necessarily had to fight their way in but certainly were fighting at the temporary mission facility

and evacuated all the people.

I simply, Mr. Chairman, do not recall any characterization of the move from the temporary mission facility to the Annex. Rather, I recall the reporting being that all Americans, a few wounded, Mr. Smith's remains, safely evacuated to the Central Intelligence Agency Annex, Ambassador Stevens missing.

Mr. Shapiro. And then what?

General Ham. Then the mission, then, is -- the primary mission, then, is do we have a hostage situation for a U.S. ambassador. And this is about the time that Secretary Panetta and General Dempsey return from the White House and we have that conversation, and then the Secretary's decision to employ the (REDACTED).

So, in my mind, the mission has shifted from response -- Americans all now safe, minus one dead, one missing -- shifting to a much more deliberate, intelligence-driven hostage rescue.

Chairman Gowdy. Two quick questions, and then I'll go back to Mac.

Do you recall being told anything about the particulars of the Annex, excepting the fact that you had recently learned about it? How well-fortified it was, how many additional Americans may be at the Annex, to -- and whatever comes up. Do you recall any specifics that were given you about the Annex?

General Ham. Mr. Chairman, I remember a conversation, frankly, not about the mission -- that wasn't germane as events were unfolding. But I do remember a conversation about distance from the temporary

mission facility, which I recall was a kilometer, maybe two, and that they had, my recollection is, the presence of not only some Central Intelligence Agency security folks but had some connection with the local guard force as well.

Chairman Gowdy. All right.

And, finally, I think where Mac's question was going was: There's the body of information you had access to. There was a body of information that may or may not have existed but you did not have access to, so it didn't matter whether it existed or not; you didn't have access to it.

And I think what Mac's question was, or what I heard him asking is, you would have benefited from the most amount of information. If there was additional information about the move from the Mission Compound to the Annex and hostilities, you, as the Commander, would have benefited from having access to that information, although you did not.

General Ham. Mr. Chairman, in situations like this, in my experience, intelligence, situational understanding, that's the coin of the realm. That's what you're trying to grasp so that, with that clear understanding, better decisions can be made.

Chairman Gowdy. Fair enough.

Mr. Westmoreland. Mac, can I just --

Mr. Tolar. Please, sir.

Mr. Westmoreland. General, what I would describe, really, at the temporary mission facility was actually two attacks -- the one attack

that came through the front gate and set the fires and so forth. Once the GRS agents got there and had basically, I think, cleared the compound and were searching for the Ambassador, there was another attack that came from the rear gate. And, to me, that is more of an attack on the rescuers or the people that had come to support that mission facility.

And I don't know exactly what that time lapse was, but it was long enough for the CIA personnel to get there and clear the compound. And then there was another attack from a different location.

And I don't know if that would have made any difference in what your response would have been either. And I didn't know if you were aware of that. But it was actually, in my opinion, two different attacks at the facility.

General Ham. Congressman, in my view and in my recollection, as things were unfolding, that time distinction is not apparent to me. To me, it seemed as if it was kind of one event from the initiation of the attack until the evacuation of the Americans, plus Mr. Smith, minus Ambassador Stevens. In my mind, that was kind of one event. But I understand the distinction that you're addressing.

BY MR. TOLAR:

Q Sir, you just mentioned earlier of receiving reports about some weapons from the bad guys being employed with precision. What's the significance of that, in your mind?

A To me, the presence of rocket-propelled grenades, light or medium machine guns, and the application of relatively precise,

accurate, aimed fire says to me that this is not a bunch of disgruntled guys just happening by, this was a terrorist activity.

Q And how does that factor into your decisionmaking process?

A Well, again, it contributes to the overall understanding of what is the nature of this event that is occurring.

Q Sir, earlier today, you mentioned there was a profound sense of urgency in terms of DOD's response to the events. You've also previously indicated there was a lack of security capability in Tripoli and also noted that, subsequent to the attack in Benghazi, there was a threat in Tripoli that was relevant. Does that sound accurate?

A It does. My recollection is the threat in Tripoli -- the threat stream, the threat reporting in Tripoli, my recollection is, largely emanated from the Embassy and those who were there reporting that.

That had a couple of important consequences. One was the consolidation of U.S. personnel in Tripoli into a single facility rather than into a couple of different places. And it also, I think, had some bearing on the Embassy's decision as to who and how many should go to Benghazi.

Q Given that sense of urgency, are you aware that the FAST team sat on the tarmac for 6 hours waiting on lift?

A I don't recall specifically that evening about that. I've obviously subsequently learned of that movement. To me, first of all, the Fleet Antiterrorism Security Team is a reinforcing effort. They did not then, they do now, have, I think, in a lesson learned in a DOD

response, aircraft more readily available to them.

Q I understand that. I guess my point is the FAST team was ready to deploy prior to their (REDACTED) requirements, yet they were relegated to sitting on the tarmac for 6 hours waiting on a lift. And we just have been unable to ascertain why it took so long for that lift to occur. Do you have any insight into that?

A I do not.

Q When did you become aware that the FAST team had sat on the tarmac for 6 hours waiting on lift?

A I don't recall specifically. The focus would have been on -- again, in operational reporting, in my experience, operational reporting is typically by exception, so that if an element is not able to do what it was supposed to do or what it was scheduled to do, then that would trigger reporting. But I cannot recall a specific time when the operation staff advised me of the Fleet Antiterrorism Security Team's movements.

Q But in terms of the fact that they had sat on the tarmac, when did you learn of that specific fact? Was it during the period of the 11th to 12th, or was it subsequently in after-action reports or discussions and things of that nature?

A My recollection is it was sometime in that period as events were unfolding.

Q Once the FAST team finally boarded the aircraft, they were delayed in taking off for approximately 3 hours because they were directed to change in and out of uniforms. What is your understanding

of that situation --

Ms. Green. Mac, could you put that into evidence? Because all of these claims you're making about the 6-hour delay, I'd like to know where that's coming from.

BY MR. TOLAR:

Q Were you aware at the time of the fact that the FAST team was receiving conflicting guidance as to what their attire should be prior to launching into Tripoli?

A I learned after the fact that the Embassy directed that they travel in civilian attire.

Q And how did you learn that fact?

A I don't recall specifically.

Q Okay. Do you recall if Ambassador Holmes ever weighed on this either subsequently in terms of explaining to you, or did you have any discussion with him about this issue?

A I do not recall a specific conversation with him about that.

Q Given the sense of urgency on that day, is there anything else you can provide in helping us to understand why it took so long for the FAST team to get to Tripoli when General Breedlove indicated the planes were ready to go, he was just waiting on guidance to launch them?

A Yeah, I've not had a conversation with General Breedlove on this matter, so I don't -- I can't comment on that specific --

Ms. Green. If we could get General Breedlove's transcript in the record so that we could all have the opportunity to see this alleged

quote.

BY MR. TOLAR:

Q Whose responsibility is it, sir, to track the movements of the personnel and to ensure that they are doing so on time?

A It's mine. I was the Commander. Commanders are responsible for all the units do or fail to do.

Q Do you have any explanation of why it took so long, then, for the FAST team to get to Tripoli?

A I do not.

Q Okay.

Secretary Panetta was pretty adamant in his testimony that, once he issued guidance to yourself, that you had all the authority that you needed in order to execute the mission, and I think you've said as much here today. Is that accurate?

A My understanding is that when the Secretary of Defense transferred operational control of those three entities -- the Commander's In-extremis Force, the Fleet Antiterrorism Security Team, and (REDACTED) -- that I had, then, the authority to employ those forces as I saw fit.

Q Sir, we spoke with Admiral Leidig. He indicated that he did not have the authority he needed to launch forces into Libya until sometime after the mortar attack.

I'm going to show you a copy of his transcript. I'm going to ask you to look at it and see if you can help us understand why Admiral Leidig seemed to think he needed additional authority.

This is exhibit No. 1.

Mr. Shapiro. Two.

Mr. Rebnord. Two, Mac.

Mr. Tolar. Two. Excuse me.

Can I have that? We need to re-mark that, please, sir.

[Ham Exhibit No. 2

Was marked for identification.]

BY MR. TOLAR:

Q And if you'll look, I guess, about line 17. And just take your time.

A Thanks.

Can you repeat the question, please?

Q Yes, sir. So I guess the question is this. Secretary Panetta says he was clear in his guidance that AFRICOM has all the authority it needs to execute. You've said the same thing. That was your understanding. You had all the authority you needed to execute.

My concern or my question is trying to understand why Admiral Leidig, who's sitting in Stuttgart, said: We did not have that authority and it did not come until after the mortar attack. We did not have the authority to enter Libya until after the mortar attack.

And I apologize, but that seems to be in conflict with what you're saying and what Secretary Panetta said. And we're trying to see if you can help us understand that.

A I can only say my belief is when the Secretary of Defense transferred operational control of those three entities that I had the

authority to employ those forces.

Q Into Libya.

A To employ those forces as I needed to, as the situation required.

Mr. Shapiro. Well, there's no troops at the ISB until after the mortar attack, right? So there's not a Libya question until --

Mr. Tolar. Please.

BY MR. TOLAR:

Q I guess what I can't figure out is why your deputy commander seemed to think that AFRICOM did not possess all the authority it needed at that time.

A I believe I had the authority.

Q Did you ever have any conversations with Admiral Leidig about executing the mission, in terms of moving the forces into Libya?

A The conversations were to move the forces to the intermediate staging base, and then, as the situation evolved, however it was going to evolve, we would make decisions about what forces to employ where and when. But there was never any question in my mind about the authority to do that.

Q And, clearly, Admiral Leidig realized that you had the authority to move things to the intermediate staging base. But, clearly, his understanding was AFRICOM did not possess the authority to execute a movement into Libya. Do you agree with that, based on reading his testimony?

A It's my belief that, again, upon the Secretary of Defense's

transfer of operational control of those three entities, I had full authority to employ those forces.

Q Yes, sir. Having just read Admiral Leidig's testimony, is it your opinion that Admiral Leidig believed at that time that he -- he -- did not have the authority to move forces into Libya?

A The authority was mine, and I believe I had that authority.

Q Having just read Admiral Leidig's testimony, do you believe that Admiral Leidig did not believe that AFRICOM had the authority to move those forces into Libya?

Mr. Shapiro. You're asking him to assess what Admiral Leidig believed based on reading three pages of a transcript?

Mr. Tolar. Yes. Yes. Yes.

Mr. Shapiro. It obviously speaks for itself. It's in the record.

General Ham. Again, I would let Admiral Leidig's testimony speak -- stand on its own.

Mr. Tolar. That's fair. All right.

Mr. Jordan. Can I ask something, Mac?

Mr. Tolar. Yes, sir.

Mr. Jordan. General, so Secretary of Defense Panetta said in his testimony that his orders were to deploy those forces, period. You keep using the term "employ." And you said there was a transfer of operational control, I think is the term you used.

So tell me how that all works. He said, deploy those forces. He said, I just say do it, take the hill, they take the hill. This is

his testimony when he sat in the same seat you're sitting in. And now you're saying -- and we got what Mr. Leidig had said.

So how does that all work? "Deploy" doesn't mean deploy? "Deploy" means get ready to go somewhere or go to some intermediate base? What does all that mean?

General Ham. Congressman, in my discussions with the Secretary of Defense, when I recommended to him that he transfer operational control of those three entities to me, operational control means -- because these are forces that are not assigned to AFRICOM. If they were assigned to AFRICOM, I didn't need to ask anybody.

But since they were not assigned to AFRICOM, the Secretary of Defense, and only the Secretary of Defense, has the legal authority to transfer operational control of military forces from one combatant command to another.

Mr. Jordan. Got that.

General Ham. So he does that.

Mr. Jordan. Got it.

General Ham. He does it initially verbally, and then the Joint Staff, principally through the Directorate for Operations, follows that up with written orders.

But it was clear to me, Congressman, upon the verbal direction of the Secretary of Defense in the transfer of operational control, that those three entities could now operate under my direction in any manner that I deemed fit.

Mr. Jordan. So here's what I'm getting at. The Secretary of

Defense says, Deploy -- he was very emphatic about it when we asked him these questions -- he says, Deploy the FAST, the CIF, and the special ops group. And then it takes almost 24 hours -- well, it does take 24 hours for any of them to get to the intermediate staging base or for the one, the FAST team, to actually get to Libya.

Is there something that happens in between that? When he says deploy and then you're given operational control, is there some kind of slowdown that takes place with you? Is there a change of orders that then takes place with you? That's what I'm trying to understand.

General Ham. And, Congressman, here's what I envisioning in that night as things were unfolding. Again, given the situation --

Mr. Jordan. I'm asking a simple question here. I'm asking, did it change? He says deploy. He did that at 6 o'clock eastern time the night of the attacks. Two hours and 15 minutes into the initial attack, he says deploy.

Mr. Shapiro. I think the record is somewhere between 7:00 and 8:00, but in any event.

Mr. Jordan. Okay.

That evening, after his meeting at the White House, he told you to deploy. And did that change somewhere in the transfer of operational control? When did that change, if -- or did it change?

General Ham. Congressman, in my view, it did not change. It was: Get those forces to the intermediate staging base where they would be more proximate, we could build situational understanding, and then employ those forces.

Initially, in my view, it was hostage rescue. Then that shifted, upon recovery of Ambassador Stevens' body, to identification and pursuit of the attackers.

So Sigonella, the intermediate staging base, was, in my view, the best place for them to be. But I do not believe that I required any additional authority. Had I so decided to deploy, employ forces, I had the authority to do that.

Mr. Jordan. Okay.

BY MR. TOLAR:

Q Sir, as you're well aware, the Commander's In-extremis Force was operating in an exercise in Croatia, and, while they were there, they were still subject to their requirements associated with CONPLAN 0300.

Were you aware at the time that that exercise required the CIF to operate basically in that exercise 24/7 and, for all intents and purposes, there wasn't any downtime? Were you aware of that?

A I was not aware of those specifics, but what was of interest to me was, again, through the operations staff, given that this Commander's In-extremis Force was a shared force, could they meet their (REDACTED) timeline. That was what was of most interest to me. How they were employed up to that point was the prerogative of Commander, European Command.

Q Knowing that there was an (REDACTED) wheels-up requirement, did you rely on that in terms of your planning?

A The expectation certainly was that the Commander's

In-extremis Force would meet its (REDACTED) timeline, yes.

Q As the supported commander, do you have the authority to waive that (REDACTED) requirement, either to speed it up or to push it back?

A I don't know about making it faster, because that entails other commands. I certainly could have requested that, but I don't know if I could direct that.

Q You previously indicated that, for all intents and purposes, once Secretary Panetta indicated that you were the supported commander, for all intents, you owned those assets, as the owner of the CIF that night, did you ever relieve the CIF of their (REDACTED) deployment sequence requirement?

A If I may, there's a distinction here.

Q Okay.

A When the Secretary transferred operational control of those three entities, I believe I had authority to employ those forces. That's different than the units' activities and others that operate in support of the supported command.

So Transportation Command, Cyber Command, all the rest of those, I was a supported commander. So you don't necessarily have the authority to direct specific actions. What it says is the Secretary of Defense is conveying to all other commands and defense agencies, "I expect you to be responsive to the requirements of the supported command," but it doesn't give you directing authority.

Q Did you ever relieve the CIF of their (REDACTED) deployment

sequence requirements?

A No.

Q Do you know if SOCOM ever relieved the CIF of their
(REDACTED) deployment sequence requirements?

A No.

Q Do you know if EUCOM ever did that?

A No.

Q Are you aware if anyone ever did that?

A No.

Q One of the primary missions of the CIF is to conduct NEO
in nonpermissive environments. It also can do hostage rescue, as
you're well aware.

However, previously, General Repass indicated that, in light of
the CONPLAN 0300 being activated, he indicated or his testimony was,
for all intents and purposes, at this point the CIF is nothing more
than an enabler. Its only requirement is to get to the ISB prior to
(REDACTED) and facilitate or enable them and their onward movement.

Does that make sense to you? Is that your understanding of what
the CIF's requirement was once CONPLAN 0300 was activated?

A The Commander's In-extremis Force, as you know, is
specially trained, selected, and equipped. They are ideally suited
to serve as the force to receive, support the (REDACTED) But should
the occasion arise, as the name implies, in extremis, they can, in fact,
operate. They're not as well-prepared, as ready as the (REDACTED) but
they certainly can perform independent operations.

Q But obviously the commander of that force at the time felt like their only mission was to get to the ISB and help facilitate the movement of the (REDACTED) Was that your expectation as to how they were going to be employed?

A I didn't know. I didn't know at the time how they might be employed.

Q Did you anticipate as you did your planning that the Commander's In-extremis Force was going to be relegated to being nothing more than enablers for the (REDACTED)?

A In my view, that's an incorrect characterization of the Commander's In-extremis Force.

Q I understand.

Chairman Gowdy. Give him a chance to -- well, what would be a more accurate characterization?

General Ham. Mr. Chairman, in my view, the Commander's In-extremis Force, again, these are specially trained, equipped, prepared forces that can, as the name implies, conduct missions in extremis (REDACTED) but they can, in fact, accomplish that mission.

And, Mr. Chairman, they do, in fact, have a mission to receive and prepare for arrival of the (REDACTED) but, in my view, their mission is much broader than just that.

Chairman Gowdy. I think the tension that we're trying -- particularly those of us who have never served before -- the tension we're trying to reconcile is, when General Repass testified -- and he did a fantastic job, but one of the impressions

we were all left with based on his testimony was, once the (REDACTED) was deployed, the CIF's role then became to go to the ISB and await (REDACTED) which, in effect, took them out of the realm of other assets that could deploy otherwise. That is a fair characterization of his testimony.

And I'm just wondering whether or not you agree that, once both of those assets are put in place - (REDACTED) it's headed, it's got a longer travel time than the CIF -- that the CIF's job was to go to the ISB and await (REDACTED)?

General Ham. Mr. Chairman, I would say that that was one of their missions, certainly, to facilitate the arrival and the staging of (REDACTED) But, in my mind, that was an operational force that was available to me, a highly capable special operations force that was available. And I think as members of the committee know, subsequently we did employ the Commander's In-extremis Force for other operational missions distinct from (REDACTED).

Chairman Gowdy. Okay.

BY MR. TOLAR:

Q Sir, given the fact that the CIF was on the continent, per se, did you ever consider employing the CIF for the hostage-rescue mission or the NEO by sending them directly to either Benghazi or to Tripoli?

A I don't recall specifically, but I feel confident in saying that, as we weighed the options, the various courses of action of how the Commander's In-extremis Force might be employed, that there was

some consideration to, you know, do they go somewhere other than the intermediate staging base. Should they go to Benghazi? Should they go to Tripoli?

My recollection is that the situation was certainly evolving. And, as previously discussed, my view was the situation, after an initial spike, the fighting had largely subsided, that Benghazi was probably not the right place for them to go. Get them to the staging base, where we now have many, many options.

One of the challenges, of course, is with a force like the Commander's In-extremis Force, once you operationally employ it someplace -- so if you were to deploy into any place and they're on the ground, you now no longer have that force for other emergent contingencies. So we're very careful about making a decision as to where to go.

There are other complexities with inserting a force into Benghazi, to be sure, but, for me, it was, where's the best place for that force to be right now? And, in my view, I believe that -- you know, certainly supported and with recommendations from the AFRICOM operations and intelligence staff -- that the best place for them would be at the intermediate staging base so that they would be well-postured for subsequent missions.

Q Do you recall any initial discussions that the CIF was going to be directed to Souda Bay by Sigonella?

A I do not.

Q Sir, we previously talked about the FAST sitting on the

tarmac for 6 hours. Are you aware -- excuse me. Were you aware at the time that the CIF sat on the tarmac for 9 hours waiting on lift? Nine hours.

A I became aware of that over time.

Q What do you mean, "over time"?

A My expectation was that the Commander's In-extremis Force would meet its deployment timeline, which was deploy wheels up at (REDACTED). That's what I expected to happen. And, again, in my experience, operational reporting is typically done by exception.

It was also my understanding at the time -- I have subsequently learned differently -- it was my understanding at the time that the Commander's In-extremis Force aircraft were co-located or near-co-located with them. I now know that that was not the case.

Q Where were their aircraft?

A I don't recall.

Q Is it your understanding that the aircraft were not co-located and were in close proximity?

A Yes.

Q Is it your understanding that those aircraft came from some other location other than Croatia?

A I don't know from whence they came, but my understanding is that they were not -- they were not co-located with the Commander's In-extremis Force, which had been my understanding on the night of September 11-12.

Q The fact that the CIF does not meet an (REDACTED)

requirement pursuant to the CONPLAN, does that not require some kind of reporting up the food chain, that we're not going to meet (REDACTED)?

A It absolutely does.

Q Did you receive that?

A Not that I recall.

Q As you monitored the movement of forces, at any time did you ever question why the CIF has not -- I have not received a report that the CIF has not made their (REDACTED) requirement?

A I simply cannot recall specifically if I asked that question or not.

Q What is your understanding as to why it took so long for the CIF to get to the ISB?

A My understanding, it was the availability of aircraft.

Q Is it your understanding that the aircraft that provided the lift were Special Operations Command aircraft, or did they come from some other organization?

A I don't know.

Mr. Tolar. Sir, we've reached another hour. Let's go off the record.

[Recess.]

[1:20 p.m.]

BY MS. GREEN:

Q Okay. We can go back on the record.

The time is now -- we will call it 1:20.

General Ham, I don't think we have even a full hour of questions for you, but I would like to go back to a couple of topics that my colleagues raised in the last hour. I believe my colleagues offered into evidence exhibit 2, which is a small excerpt from Admiral Leidig's transcript, and it seems to imply that he was somehow relating his response that night. We know that you spoke with the Admiral that night and were in constant communications. Sir, did Admiral Leidig ever tell you that he didn't have the authority he needed to carry out his mission?

A I do not recall any conversations like that.

Q Admiral Leidig was very clear with this committee that the lack of an execute order did not slow the forces on the night of the attacks. There seems to be a level of misunderstanding about the time he was prepared to deploy and execute. Admiral Leidig explained that, quote: "In the absence of an execute order, it doesn't hold anything up. I mean, you're still moving to get to the point where you're ready to execute the mission. If I got to the point where there were C-130s on the deck at Rota and the Marines were loaded into the back of the plane, which is something we would be doing as part of prepare to deploy, I would know. Once the C-130s launched from Germany and they are inbound, I can very accurately predict when they will be on the ground and how long it will take to load the marines and I can call the Joint

Staff and say, issue the execute order because they are going to be on the ground."

Is that your understanding of how the orders are issued, sir?

A Procedurally, I think that orders emanating from the Joint Staff formalizing the Secretary of Defense's decision, that is correct. But I come back to, again, in my belief, my understanding is that when the Secretary of Defense made the decision, gave verbal direction in approving my request for the three forces, Commander's In-extremis Force, Fleet Antiterrorism Security Team, (REDACTED) that those forces would then begin to move on their designated timelines, but that I also had authority to employ those forces should that be necessary.

Q And no one that night, sir, told you that they couldn't move the forces because of a lack of an order. Is that fair to say?

A That's correct.

Q I think you probably are familiar with the DOD unclassified timelines?

A Yes.

Ms. Green. I'm going to mark that timeline as exhibit 3 for identification. And this timeline is accompanied by a cover letter, dated May 1, 2013, and was provided to Congress at that time.

[Ham Exhibit No. 3

Was marked for identification.]

Ms. Green. Sir, if you could turn to the second page of that timeline, which you may have in front of you. We talked in the last hour about the N-hour. Sir, on the night of the attacks, the FAST and

the CIF were both operating on an (REDACTED) response time, correct?

General Ham. Yes.

Ms. Green. According to the DOD timeline, the Secretary of Defense gave a vocal order for the three forces he deployed that night between 6 and 8 p.m. Is that correct?

General Ham. Yes, that's my recollection.

Ms. Sawyer. And you have talked a number of times about a point in time coming where you believe that you had been given the authority from the Secretary of Defense with regard to those assets. Is that on this timeline that point in time when that occurred?

General Ham. It is. In the discussions that I had with Secretary Panetta and General Dempsey upon their return from their meeting at the White House, in addition to providing an update to the situation, which my recollection at that point was that, in my view, and as I convened to the Secretary and Chairman, the attack at the temporary mission facility had largely subsided. Mr. Smith's body had been recovered, Ambassador Stevens was missing and so we were shifting, in my mind, shifting more likely to a hostage rescue mission and that's at the point at which I requested and Secretary Panetta approved the three forces that are identified there. And it was my understanding that, upon the Secretary of Defense's decision, that that transferred operational control of those forces to me.

BY MS. GREEN:

Q And sir, assuming the VOCO was given as early as 6 p.m. at the beginning of those meetings, the forces would then be ready to

deploy (REDACTED), according to the (REDACTED) timeline. Is that correct?

A Not exactly. The Secretary's verbal order would be followed by a formalized written order issued by the Joint Staff, and it would be in that order that would formally establish an N-hour. But the verbal authority is really the trigger to start forces moving.

Ms. Sawyer. So is it fair to say, from a lay perspective, that if you had the authority to give the trigger order to start forces moving, meaning getting prepared to be wheels up, that the (REDACTED) the earliest time the (REDACTED) clock would start running would be when that authority was passed to you and on this timeline between 6 and 8 p.m. eastern, which is 12 to 2 local time in Benghazi?

General Ham. Because of the necessity of the Joint Staff to coordinate with other commands with defense agencies and other supporting, the verbal order does not formally trigger N-hour. But they should be -- ordinarily would be relatively close. And I think on this timeline somewhere in the 8:30 to 8:50 timeframe, is, I think, I don't recall specifically when N-hour was established, but somewhere in that timeframe.

Ms. Green. So, under the best-case scenario, sir, when that N-hour was given, what time could they have arrived in Benghazi?

General Ham. If the formal order establishing N-hour coincided with the Secretary of Defense's verbal order, (REDACTED) and add transit time to wherever they were headed.

Ms. Sawyer. So, again, just on the timeline, (REDACTED) and that

would have just been without transit time. Is that accurate, 6 a.m. local Benghazi time, not accounting for the actual transit time?

General Ham. Yeah. I'm sorry, could you go back to the times again?

Ms. Sawyer. Sure.

Mr. Shapiro. I'm sorry, you are at (REDACTED) Benghazi time being the --

Ms. Sawyer. Right, Libya time and (REDACTED) 6 a.m. local Benghazi time for them to be wheels up?

General Ham. To be wheels up.

Ms. Sawyer. And then do you have a sense from where they were postured what the transit time approximately would have been expected to be?

General Ham. I think it was in the 2- to 3-hour timeframe.

Mr. Shapiro. To where?

General Ham. To Sigonella.

BY MS. SAWYER:

Q And so that would have been 2 to 3 hours for both the CIF or just the FAST team at that point? The FAST team was in Rota.

A I would have to look at a map and kind of do some calculating.

Q Because I think, at that point in time, neither were in Sigonella yet?

A Correct.

Q I think the FAST team was in Rota.

Mr. Shapiro. I think he was just giving times to Sigonella.

BY MS. SAWYER:

Q I understood, had they been there. I think at that point in time, the FAST team was in Rota. So do you have a sense of the approximate transit time between Rota and Benghazi or Tripoli?

A I would be guessing. I'd have to look at it, you know, get a time, distance and all that, but a matter of hours. You know, Tripoli is certainly closer to Rota than was Benghazi; Sigonella, even closer.

Ms. Green. And, sir, what we're talking with you --

BY MS. SAWYER:

Q But then just directing your attention back to the timeline on page 2 right above the line that says "Wednesday, September 12, 2012," there's a line there that has an entry 11:15 p.m. eastern time, 5:15 a.m. local time, so Benghazi local time, and that indicates that that is the time of the mortar attack at the Annex facility. Do you see that there?

A I do.

Q So what we had just discussed was that both the CIF and the FAST team, best, best-case scenario, meaning that the vocal order and the N-hour order were established at the exact same time, (REDACTED) Is that accurate?

A Had N-hour coincided with the earliest verbal direction, that is correct.

Q So just seeing that and doing the math, I don't understand how they possibly could have been there before that second attack at the Annex, regardless of what information you had contemporaneously

about the sporadic fire that might have occurred between the evacuation of the State facility and the Annex facility. Just by the math and what has been phrased in other reports as the tyranny of distance, it seems like it was impossible. Am I misunderstanding that? Could they have been there before that mortar attack?

A As the events unfolded, no, they could not have been, given the timelines that were in play that night.

Q And had they somehow gotten up in the air before that mortar attack occurred, what would the consequences be in terms of them then being available to deploy elsewhere? Would there have been consequences for other potential responses that the Department of Defense needed to adjust for?

Mr. Shapiro. You mean elsewhere in Africa?

Ms. Sawyer. Elsewhere in Africa, or going to Tripoli. Would that have had consequences?

General Ham. Once the Commander's In-extremis Force had loaded their equipment and personnel and were wheels up, they could be diverted while in flight based on emerging intelligence and the conditions, depending on to where they might be diverted would drive dealings such as, you know, do they need to refuel someplace or something like that. But certainly while they are in flight, they do have a degree of flexibility as to where they go, and they can be diverted.

Ms. Sawyer. Now, one of the things that was discussed was the delay time. So this assumes that, presumably, they meet the expectation that you had that night that they would meet the (REDACTED)

and even under that circumstance, they are there after the mortar attacks at the Annex.

Mr. Shapiro. Well, I'm sorry, and also assumes that the N-hour was set at the earliest possible time.

Ms. Sawyer. Thank you, yes. That it coincided with the vocal order at the earliest possible time from the Secretary of Defense.

General Ham. So if N-hour coincided with that verbal direction from the Secretary of Defense and the Commander's In-extremis Force met their (REDACTED) timeline, that is correct. They would not have arrived to either the intermediate staging base or any other location before the attack on the Central Intelligence Agency Annex.

BY MS. SAWYER:

Q So even had the lift capability, the aircraft, been co-located directly with the forces, the CIF, that would not have enabled them to get there before that mortar attack at the Annex?

A That is correct.

Q Now, it's my understanding that, setting that aside, that there has been, there have been steps taken to address concerns about the lack of co-location in a forward-looking way as a lesson learned from that experience. Is that correct?

A I think the significant changes in force posture, first, the establishment of Africa Command's own dedicated Commander's In-extremis Force, that provides a force that doesn't need to look in two directions, Europe and Africa; solely focused on Africa. And it is my understanding that the Department of Defense has taken steps to

make sure that the aircraft for Commander's In-extremis Force are tethered more closely to the Commander's In-extremis Force. That, to me, is one significant step.

A second is the dedication of aircraft for the Fleet Antiterrorism Security Teams, which did not exist prior to this date. They were aircraft that generally would be made available from the available pool of aircraft. It is my understanding that aircraft are now missioned for support of the Fleet Antiterrorism Security Teams. And, thirdly, the establishment of the Marine Corps Special Purpose Marine Air-Ground Task Force with a specific mission of crisis response. But I think those steps, to me, convey a significant improvement in the Department of Defense's crisis-response capability.

Q And are there additional recommendations that you would have going forward that we should be considering or that the Department should be considering?

A I think I would begin with what was the most significant shortfall that I experienced during my tenure as commander, and that is the shortfalls in intelligence, surveillance, and reconnaissance, in other words, those assets that help you build situational awareness that allow the command to then establish based on emerging conditions; where do you posture those various crises response forces? So I would start with the intelligence, surveillance, and reconnaissance assets.

Q And then just returning to the timeline again, we talked about the 5:15 timeline, so I'm looking at page 2. Again, as the actual timeline and the mortar attack. There's an indication that, at 6:05,

AFRICOM orders the C-17 aircraft in Germany to deploy to Libya to evacuate Americans. The next timeline is 7:40 a.m., and it indicates the first wave of American personnel depart Benghazi for Tripoli. And then, at 10 a.m., a second wave of Americans, including the fallen, depart Benghazi for Tripoli.

So, as I read this, by 10 a.m. everyone has departed Benghazi for Tripoli. Is that your -- is that accurate from your recollection and assessment?

A Yes. And my recollection, by 10 a.m., the morning of September 12th, Libya time, that the Americans had -- were all out of Benghazi.

Q And between 5:15 a.m. and 10 a.m., when they were successfully all evacuated from Benghazi, there were no further casualties or loss of American lives in Benghazi. Is that correct?

A That's correct.

Q So, even had there been additional forces on the ground, it doesn't appear that it would have been necessary in terms of what actually unfolded to save American lives between that 5:15 and 10 a.m.

A After the -- my recollection is after the attack on the Central Intelligence Agency Annex, in which Mr. Doherty and Mr. Woods were killed, that, obviously, that was a very intense period, but then the marshalling of all Americans to include the remains and the movement back to the Benghazi Airport with the reporting and understanding that I had that that was -- that there was -- that the intensity, the intensity of the attack was quite intense at the moment that it

occurred, then subsided and the elements all moved back to Benghazi, the Benghazi Airport.

Q And then from Benghazi to Tripoli, and there was no -- after the mortar attack and the two casualties that were incurred in that attack, there was no further loss of American lives in Benghazi?

A That's correct.

Q So I understand and appreciate that you are making very difficult decisions based on the information available at the time, and, you know, they seem like and I think a number of individuals have validated, there have certainly always have been lingering questions that they were appropriate decisions and, quite frankly, pretty remarkable decisions in a short period of time. You know, we are now 3-1/2 years out. I'm going to give you the opportunity, to the extent you want to answer it, and in benefit of hindsight and knowing you didn't have the benefit then of knowing how it was going to unfold, but knowing now how it did unfold, would you have made any decisions differently that night?

A It won't surprise you that I have thought a lot about that. I think the decisions made to improve the crisis responsive capabilities of Africa Command and the Department of Defense have been very sound. Africa Command has dedicated Commander's In-extremis Force, more closely tethering aircraft for both the CIF and for the FAST, the Special Purpose Marine Air-Ground Task Force, I think those are all very, very good things.

Though I know now in hindsight that had the CIF made its timelines,

they would not have been in position to affect the outcome as things eventually played out on the ground, the reality is, they should have made their timelines. And that's -- there's no excuse for that. They should have made their timelines. They should have been postured for subsequent use. As it turns out, they would not have been needed, but we didn't know that at the time. So that, as I look back on this, the disappointment of the Commander's In-extremis Force not meeting its timeline is, to me, significant, and I believe the steps taken by the command and by the Department of Defense after that have addressed that situation.

Ms. Green. Sir, I think you mentioned in your statement just now that even if they had met their timeline, they would not have affected the events on the ground in Benghazi?

General Ham. As we know now how events unfolded, that is the case, but we know that now. We didn't know that then. And so, to me, there is simply, there is simply no excuse for the Commander's In-extremis Force not having made its timeline.

Ms. Sawyer. So I think we can -- I think that was really all we had for you for this round. So we will go back to having the majority do some questioning. We can take a short break. We can go off the record.

[Discussion off the record.]

BY MR. TOLAR:

Q All right, let's go back on the record, please. It's 1:50. Sir, previously, you talked about utilizing P-3 aircraft for ISR

and that they were probably the -- it's your belief that that was the subject of the complaint from the Libyans. Does that sound right?

A It does because of the altitude at which they flew, and they are just a lot louder than the unmanned systems.

Q Do you know where those P-3s operated from?

A I probably knew at the time, but I don't recall today.

Q Given the proximity to Africa, would you assume that it would have either been Souda Bay or Sigonella? Would they have come from further away I guess is my point?

A I guess, again, because I don't specifically recall, that one of those two places would be the most likely.

Q And did you have those for all -- how long were you able to take advantage or how long were you assigned those assets during your command? Did you have them the whole time? Did you have the to plus-up to get them? More importantly, did you have them at the time of the attacks?

A To the last question first, I do not recall what the command relationship was with regard to the P-3s on September 11 or 12, whether they were under Africa Command's operational control, European Command, or someone else. Because those forces were not assigned to the U.S. Africa Command, we would have to request their availability through the request for forces process. Typically, those forces would be made available for a specified period of time to say, you know, Secretary of Defense will transfer operational control to you for 30 days, 60 days, 90 days, something along those lines. I just don't

remember today what that status was on September 11-12, 2012.

Q We talked previously about the assets you requested and whatnot. Did you make a request for P-3 support in light of the attacks?

A I don't remember.

Q Okay. Do you know if a P-3 can be armed?

A I don't know. Well, let me correct myself. I know they can be armed with antisubmarine weapons because that's their primary mission. I don't know if they can be armed with an air-to-ground capability.

Q (REDACTED)

A I know the name. I don't recall the specifics.

Q That's okay. Thank you. Bear with me. A few of these questions are just trying to clean up other stuff or follow up. Going back to Benghazi real quick, did you ever consider sending anyone or any asset directly to Benghazi?

A Yes. We certainly considered that.

Q Okay. And what did you consider sending directly to Benghazi?

A In the deliberations, in the discussions between me and the Africa Command staff, Admiral Leidig, and the team that was assembled there, a whole array of options. Do you send the Commander's In-extremis Force to Benghazi? Do you send it to Tripoli? Do you send it to a staging base? Same for (REDACTED) I don't recall there being much discussion about the Fleet Antiterrorism Security Team. I think

that was -- my recollection is that was typically always intended to go into Tripoli where the Embassy was. Certainly, there was consideration of that and the consideration of should some of the DOD personnel in Tripoli move to Benghazi. So there was certainly consideration of that.

Q Okay. And, generally speaking, why were those not executed? Was it simply a function of the fact that the fight and the TMF was over quickly and they had gone to the Annex and it seemed to subside?

A In my view, the evolving nature of the mission was the primary determinant. So, again, initially an attack, crisis response, that subsides, in my view at least, subsides pretty quickly, potential hostage rescue, different force, detailed intelligence, deliberate activity, posture for that. Shortly, again, thereafter, that changes upon the recovery of Ambassador Stevens' body and now in a military sense, it is largely the Embassy-controlled move of the personnel from Benghazi back to Tripoli. We knew there were some wounded, treatment there, and then evacuation back to Europe.

Mr. Tolar. Sir, I apologize I didn't have this earlier. Previously, I asked you about ISP and Souda Bay and whatnot. And I want to ask you to take a look at this document, and this is exhibit number 3.

Mr. Shapiro. Four.

[Ham Exhibit No. 4

Was marked for identification.]

BY MR. TOLAR:

Q Sorry. I'm going to ask you to look at exhibit No. 4. Frankly, sir, I don't know what you call this thing. DOD provided it to us. But I'm going to ask you to look down there where it says 9/12 at 2:08.

A That last box.

Q Yes, sir, that last box and see if that refreshes your recollection at all about Souda Bay, what was happening there, et cetera, et cetera.

A Yeah. I am not exactly sure what this is. I simply don't recall the emphasis on Souda Bay that is reflected here. That's not to say it didn't happen, but that that's not my recollection. That just isn't from now as I look back in time. But, clearly, you know, whoever prepared this had some focus on Souda Bay and interpreted some of the guidance that I gave regarding Souda Bay. I just -- it does not -- that does not trigger any memories for me.

Q Do you question accuracy of this entry?

A I don't know what it is.

Q All right. I mean, it appears to be some kind of running log that DOD was maintaining regarding the events that evening.

A Right.

Mr. Tolar. Does general counsel want to weigh in on what this document is?

Mr. Richards. Absolutely. You requested AFRICOM's documents released under the Freedom of Information Act in an unredacted form,

and this is what we provided to the committee per its request of last April 2015. Beyond that, I don't have any more information.

BY MR. TOLAR:

Q Sir, who is Lieutenant Colonel (REDACTED)?

A I don't recall.

Q Sir, I believe you previously indicated you were interviewed by the ARB in November of 2012. Is that accurate?

A Yes, it is.

Q I think that was a secure video conference where you all discussed classified information. It lasted several hours? Does that sound right?

A That's correct.

Q Sir, do you know if Admiral Landolt was interviewed by the ARB?

A I do not know.

Q Back up. Did you have an opportunity to read the ARB subsequent to your interview once it was published?

A I read the publicly releasable report. I recall there was a classified portion of that. I don't think I saw the classified portion.

Q What was your opinion of the ARB?

Mr. Shapiro. The report?

Mr. Tolar. Yes.

General Ham. My recollection is I felt that it was fact-based. I don't -- that's probably the best characterization I could offer.

BY MR. TOLAR:

Q Do you recall whether or not you thought it was thorough, was detailed, things of that nature?

A I certainly felt that the questioning by the members of the Accountability Review Board to me was pretty thorough.

Q But as it relates to the ARB as a whole, what you read?

A I, frankly, don't remember having a strong opinion about the report.

Q Okay. We will come back to that.

Mr. Tolar. Sir, I want to talk to you now about the EXORD, please. I'm going to mark deposition exhibit No. 5, and this is EXORD 1, Operation Jukebox Lotus. In addition to exhibit number 6, which is EXORD 2, Operation Jukebox Lotus. Let's see if I have got those in order, sir.

[Ham Exhibit Nos. 5 and 6

Was marked for identification.]

BY MR. TOLAR:

Q And I will -- sir, you don't have to read the whole thing unless you choose to, but I have got some specific things I want to direct your attention to, please. I guess, first of all, would you please explain what Operation Jukebox Lotus constitutes, just generally big broad definition. What constitutes Operation Jukebox Lotus?

A The names sometimes get a little jumbled in my brain, but my recollection is that Jukebox Lotus was the overarching, was the name

for the overarching effort for operations in Libya, principally focused on building the security capabilities of the Libyans, but I'm not exactly sure that that's right.

Q I apologize, sir. If I may, I believe it appears to me it was the execution order for the response in Benghazi. Does that make sense?

A Yeah, so directs the employment of the Commander's In-extremis Force to posture for potential crisis operations in Libya but I also, unless I'm missing something, there's no -- this order doesn't have a date/time group.

Q Well, let's talk about that right now. Assuming this is the execution order that was disseminated by DOD in order to execute Operation Jukebox Lotus, have you ever seen an execution order that did not contain a date/time group?

A So the exhibit that I'm looking at says the originator.

Q Which exhibit number, please?

A Five.

Q Thank you.

A Says the originator is AFRICOM. So what that means is that this would have been AFRICOM's order pursuant to a DOD order at some point. So I'm -- so this is an AFRICOM draft, not a DOD draft.

Q I apologize.

A At least by the heading here.

Q And per the references, which one of those references would have been the DOD order directing AFRICOM to execute?

A I don't know. I don't -- I would have to --

Q That's okay.

A I would have to look at what those orders -- what those orders are because some of them are standing orders that this would be a -- that this would be a supplemental implementing instruction.

Q I understand. Let's see. Sir, these things, going back to the date/time group, why would a command issue an order without a date/time group?

A It wouldn't.

Q Do you agree that this order here does not have a date/time group on it?

A I do.

Ms. Sawyer. I think, just to be clear, we are characterizing it as an order. He has indicated he is not sure, as I understand it. I mean, it's fine if he verifies that the document does not include that, what the legal significance of this document is.

BY MR. TOLAR:

Q Sir, looking at exhibit 5, what do you believe that to be?

A I don't -- I don't know. Without a date/time group, I would assume that this is a draft order, you know, pending release, at which point the release -- when the order was released, it would have a date/time group appended to it.

Q Sir, I'm going to ask you to -- on exhibit 5, if you will turn there is no page number, so if you will look at bullet under "Command and Control," 5 alpha 1 -- 5.A.1.

A 5 alpha 1, I have that. Yes.

Q Yes, sir, and I believe it says: Commander Africa is the supported commander until (REDACTED) is designated as the supported commander once in theater.

First of all, briefly describe what constitutes or what is (REDACTED).

A The version, the copy of exhibit 5 that I have, in 5 alpha 1 says Commander SOC Africa is the supported commander.

Q I apologize.

A So what that means is that this -- from an order that is being drafted for release by AFRICOM, what this says to AFRICOM's subordinate commands and staff is for this operation of the service component commands, commander of Special Operations Command Africa is the supported commander until (REDACTED). I don't know specifically what that is. It was common practice across the Department of Defense to, when establishing a Joint Special Operations Task Force, to have them numerically designated. So I suspect that that's what (REDACTED) is a Joint Special Operations Task Force specifically organized for operations in Libya.

Q And I guess I'm a little confused. How can -- how does SOC Africa, the supported commander, when AFRICOM was the supported commander? Is there a conflict there? Or help me understand that.

A No, there's no conflict. The Secretary of Defense designates a combatant command, in many cases, a combatant command as the DOD-supported command. So, in this case, U.S. Africa Command is

designated by the Secretary of Defense as the supported command. That means all other combatant commanders, all other combatant commands, defense agencies and others are to be responsive to Commander U.S. Africa Command. The commander doesn't have directive authority. I couldn't tell another command what to do, but the intent of the Secretary is, you got to -- you should be -- I'm sorry, let me back up.

In the relationship of supported, supporting to supported. When the supported commander makes a request of a supporting commander, the Secretary of Defense's expectation is that that supporting commander will meet that requirement, and if they cannot, then there is a process by which the supporting commander notifies through the Joint Staff to the Office of the Secretary of Defense: You made me a supporting commander. The supporting commander needs X capability. I'm unable to do so because.

And then there's a discussion. But that's at the -- that's at the national level, if you will.

Q Yes, sir.

A So within -- when a combatant commander is designated as the, in this case, a supported commander or, frankly, not as a supporting commander, that command still identifies, in other words, the main effort. In this case, Special Operations Command Africa would have AFRICOM's lead role for this operation, and in so designating him as the supported commander, that says to all of AFRICOM's subordinate units, the service components of the Air Force, Army, Marine Corps,

Navy, and to the AFRICOM staff and all others, that says: When Commander SOC Africa as the supported commander requests something of you, I expect you to fulfill that unless you cannot, and then you have got to come back to me.

Q Check.

A So it is just a hierarchy of command relationships.

Q Understood. Thank you, sir. That's helpful. Do you recall at what point -- I'm sorry.

Do you recall at what point (REDACTED), and I'm assuming that would have been Special Operations Command, took over as the supported commander? Was that on the 12th or the 13th, 14th? Do you recall?

A I do not.

Q At some point, did Special Operations Command become the supported commander?

Mr. Shapiro. Can I just clarify? You mean Special Operations Command of AFRICOM, or overall?

Mr. Tolar. Yeah, big daddy.

General Ham. No. The Secretary of Defense designated U.S. Africa Command as the supported command. That means the U.S. Special Operations Command was supporting to AFRICOM.

BY MR. TOLAR:

Q Check, check.

A And I have no recollection of that ever changing.

Q I apologize. I misunderstood. Thank you, sir. That's good.

If you will look at exhibit 6, please. I want to ask you to look at 3 alpha 3.

A May I take just a moment to get some context?

Q Yes, sir, absolutely. And you will note, again, this was originally was AFRICOM J3. Again, no date/time group.

A Okay, I'm sorry.

Q That's okay. So I'm looking at 3 alpha 3.

A Yes.

Q And it makes a statement there that Commander U.S. AFRICOM is postured to execute follow-on missions in Libya.

A Where are you?

Mr. Shapiro. Second sentence.

General Ham. Oh, okay.

BY MR. TOLAR:

Q Commander AFRICOM is postured to execute follow-on missions in Libya as directed by SECDEF.

And I apologize; I recognize that you don't know what this document is.

A That's correct. This document also does not have a date/time group.

Q Correct. But it appears that it was originated by the AFRICOM J3 pursuant to the originator line.

A I guess I would say, absent a date/time group, I would say it was drafted by the AFRICOM J3.

Q Yes, sir. I guess my point is it was drafted by the J3,

the AFRICOM J3, and he says in here: AFRICOM is postured to execute follow-on missions in Libya as directed by the SecDef.

To me, and I apologize, that seems to be in conflict with what Panetta is saying that you got carte blanche and you saying you got carte blanche, but it sounds like the J3, perhaps, didn't think that. And this reads as though the SecDef has to approve follow-on missions or whatever, because per the language above this, nobody has arrived in country yet. So can you help me understand that?

A Paragraph 3 alpha 3 --

Q Yes, sir.

A -- by the format of the order is a description of the end state, so what is expected to be achieved at the end state of this operation.

Q Okay.

A So, at the end state of this operation, the chief of station facilities in Tripoli are secure, American interests in the vicinity of Tripoli are protected, and that U.S. AFRICOM is postured to execute any follow-on missions in Libya as may be directed by the SecDef. So it's simply a statement of the end state that is intended at the conclusion of this operation were it to be executed.

Q All right. So that's not a reflection on AFRICOM's authority, is what you're saying?

A Not at all.

Q Okay. Thank you. That helps. That's good. We are done with those, sir.

Let's see. On the 11th, what time did you secure or go home on the 11th?

A I stayed at a hotel directly across the street from the Pentagon. I don't recall specifically. I probably got there, I would guess, somewhere around 10:30, 11. I do remember that I was at the hotel when the secure communications I always had with me, that's where I was notified of the second attack.

Q And when you secured for the night, did you have any concerns, issues, any last-minute guidance or anything like that, anything that you were just kind of thinking about?

A Well, we had lots of concerns. In my view, the mission wasn't over until all of the Americans were back safe, those who needed to be evacuated out of country were evacuated out of country. At that point, I remember when I went back to the hotel, we knew we had two dead, Ambassador Stevens and Mr. Smith. So part of it was the repatriation of their remains. We knew there were some wounded still at the Central Intelligence Agency Annex in Benghazi, so getting them first back to Tripoli and then subsequently back to the treatment facility in Europe was a high priority. So that's kind of what was on my mind.

Q And what time did you report on the 12th?

A Pretty early. So that the report came shortly after I got back to the hotel from the communications team of the second attack. I was in secure communications with the operations center as that kind of unfolded. And then I think I was -- I think I was back at the Pentagon

shortly after by this time, shortly after the second group of Americans were wheels up from Benghazi headed to Tripoli. So somewhere, probably in the 5, 6 o'clock in the morning timeframe, I would guess I was back at the AFRICOM liaison office.

Q And if you would, just kind of walk me through some of your actions on the 12th. At this point, we have got folks flying to Tripoli, kind of where is your head? What is going on?

A So, at this point now, sadly, we know we have four dead and a couple of wounded, so the primary concern is they are already moving toward Tripoli, the first group had already arrived. The second group moving toward Tripoli; that's good. And then get the evacuation aircraft into Tripoli. Stabilize those who are wounded and return the remains. Get them back to Ramstein as quickly as we could, and watching for what else might happen. So the commanders, you know, at this point, (REDACTED) the Commander's In-extremis Force delayed, as we have already determined, but they are starting to arrive, Fleet Antiterrorism Security Team is starting to arrive, so now it's, again, in my view, a bit of a change of mission. The Fleet Antiterrorism Support Team focused on security of the facilities in Tripoli. The Commander's In-extremis Force and (REDACTED) starting to focus more on -- let me be more specific. The Commander's In-extremis Force postured now -- soon to be postured in Sigonella, what other situations are evolving across the Africa Command area of responsibility that might necessitate their employment? And, specifically, with (REDACTED)

Q And at what point, how long did you remain in D.C.?

A I left the afternoon or evening of the 12th to arrive at Ramstein on the morning of the 13th in time to have -- spend some time with those who had been evacuated from Benghazi and Tripoli.

Q Where did you meet them?

A At the airfield in Ramstein.

Q Okay. Were they on a hangar, a BOQ?

A Some of the wounded had already been moved. I think some to the treatment facility at Ramstein. I think one or two others who had been more seriously wounded had been evacuated to the hospital at Landstuhl.

Q Yes, sir.

A But most were either on the ramp or in one of the facilities at the ramp at Ramstein.

Q Do you recall learning anything about what had happened based on your discussions with those survivors, anything that jumps out at you?

A No, I don't recall learning anything specific that morning as they were preparing to depart.

Q Did you discuss anything specific with them or have any specific conversations?

A I did not. I had -- it was mostly condolences, making sure that those who required medical treatment were receiving the treatment. I do remember a number of the personnel, as most Americans would say, "just go get 'em."

Q Subsequently, did AFRICOM support the FBI trip into Benghazi when they were doing their investigation?

A Yes, we did.

Q In what way?

A I think with -- I think with aircraft and with security. Some of them were from (REDACTED). Maybe some from the Commander's In-extremis Force, but I think it was mostly (REDACTED) personnel who accompanied the FBI personnel into the country.

Q And did you visit Libya subsequently?

A I did. I'm trying to -- I think the first time -- I believe the first time I went after the attacks was with Congressman Chaffetz in early October.

Q And how many other visits subsequently?

A Several. I -- yeah. Yeah.

BY MS. CLARKE:

Q General, I had a couple of questions for you just kind of touching back on some stuff that was discussed in the previous hours with our colleagues, and we were looking at I think it was exhibit 4, which is the timeline.

Mr. Shapiro. I think it is exhibit 3.

Ms. Clarke. Exhibit 3.

BY MS. CLARKE:

Q And so during the discussion previously you had mentioned a few times during our conversation today that the SecDef approved the request for forces that you had requested and at that point transferred

operational control to you and that you believe that at that point you had all of the authority you needed to employ those forces. Is that correct?

A Yeah, that's correct.

Q And I think, in the previous hour, you indicated that you thought that transfer of operational control occurred between 6 to 8 p.m. that's identified on the timeline. Is that correct?

A Yes. I believe when the Secretary's verbal orders, knowing that they would be followed by formalized written orders, but I believe when the Secretary gave his guidance and made his decisions, that that effectively transferred operational control of those three forces to me.

Q And for our benefit, how does that practically work? Once the Secretary of Defense gave his vocal order, how are the other combatant commands alerted to the fact that some of their forces have been, operation of those forces have been passed to you?

A So there is both a formal and an informal process. The -- so on the third page of the timeline, there's reference to, at the 8:30 eastern time, a conference call from the National Military Command Center, and I think this would be a very normal event. So this would be -- let me back up.

My recollection is that Vice Admiral Tidd, the Director for Operations, J3 and the Joint Staff was in the office with the Secretary of Defense and the Chairman when they came back from the White House when we had these initial discussions. Having been the Director for

Operations, what I would expect Vice Admiral Tidd would then have left that office, told his staff: Here's what the Secretary decided. Make sure the other combatant commands know that, and then let's write the order, formalizing the directive and establishing N-hour so that all commands are on the same time. So it's an informal, which I believe is this conference call at somewhere around 8:30 and then a formal issuance of orders by the Joint Staff in the name of the Secretary of Defense.

Q Okay. So and just so that I understand you, you believe the 8:30 conference call is the point in time where the informal order was conveyed to these combatant commands?

A It may well have occurred kind of point to point before that. It would not be at all surprising to me that the National Military Command Center notified Special Operations Command, Transportation Command, European Command, but then my understanding of this entry on the timeline at 8:30 eastern time was all of them together on a conference call to share that information.

Q Okay.

Ms. Clarke. I would like to introduce exhibit 7, and I think this will help our discussion.

[Ham Exhibit No. 7

Was marked for identification.]

BY MS. CLARKE:

Q And this is an email -- you are actually a recipient of the email. And it's actually a series of emails. The first one is issued

at 8:39 p.m., and then there is a subsequent followup email from Vice Admiral Tidd. And just take a moment to review that?

A Okay.

Q I -- like my colleague said earlier, I'm also not a person that has a military background, and so I just wanted to ask if you could help us decipher kind of how this email fits into the timeline, and so, with the first email, it's, again, at 8:39 p.m., and there is an entry on the timeline for 8:39 p.m., and it says that this is the time where the formal authorization for the forces were transmitted to the -- by the National Military Command Center.

This email is written by Captain (REDACTED), who is designated as the Deputy Director for Operations, and in the second paragraph down, it says -- well, first, it says that the National Military Command Center conducted a Benghazi update conference call with various combatant commands and then it says, quote: Provided SecDef's VOCO to prepare to deploy one FAST platoon from Rota to Benghazi and one FAST platoon from Rota to Tripoli.

Is this when the Secretary of Defense's vocal order would have been conveyed to those combatant commands?

A Yes. So I don't know Captain (REDACTED) but the Deputy Director for Operations is the senior officer on duty at the National Military Command Center. Normally, it's a flag officer. My guess is he is probably is waiting to be promoted or something like that. But so this -- and this email at 8:39 is addressed to the Chairman, Vice Chairman and the Secretary of Defense's senior military assistant. So

this is advising the senior uniformed and civilian authorities in the Department of Defense that, based on the direction that I have received, that the National Military Command Center has issued these, this guidance. It's not formally an execute order, but it's informing the commands of the Secretary's decisions.

Q And when you say it's not formally an execute order, an example of at least a draft execute order would have been exhibits 5 and 6. Is that typically how an execute order will be, the way -- the form that it would actually take?

[2:31 p.m.]

General Ham. Exhibits 5 and 6 are drafts, I believe, drafts from Africa Command, but the format from an execute order from the Joint Staff would be similarly constructed.

BY MS. CLARKE:

Q And, typically, are those execute orders issued at the same time as a VOCO, or is this something that may occur following the VOCO order being provided to the combatant command?

A Normally, execute orders are a very deliberate process with lots of reviews. For example, in response to a request for forces, there's a process that goes -- I think what this conveys to me and reminds me of is that, because of the fluidity of the situation, that the National Military Command Center is operating faster than normal, so rather than waiting for the formal execute order, get this information out to the affected commands as quickly as they can in anticipation of a formal order.

Q And so, prior to this, "this" being exhibit 7, prior to this information being conveyed to those combatant commands -- would you -- although the Secretary of Defense had given you the authority, could you have actually done anything until these combatant commands were alerted of that authority being passed to you?

A I believe when the Secretary of Defense gave his verbal order, which I believe transferred operational control, that I then had directing authority over those forces.
Mechanically -- obviously, those forces have to move, they have to

prepare to move, they have to actually move. And so the supporting commands are facilitating all of that.

So, as one example, for European Command, to whom the Commander's In-extremis Force was assigned, what this says -- I believe they had received verbal instruction before this, but what this formalizes from the National Military Command Center is, "Commander, European Command, the expectation of the Secretary of Defense, the direction of the Secretary of Defense, is that you start moving that force."

BY MR. TOLAR:

Q General, just to be clear, how are the supporting commands going to know that you're the boss, that you're the supported commander? When you received a VOCO order from the Secretary, they didn't get it at that time. How are they going to know that you're the new boss absent this message here at 8:39 p.m.?

A Formally, that would be the execution order.

Q Absolutely.

A So, in this instance, given the emergent conditions, the National Military Command Center, probably at the direction of Vice Admiral Tidd, says, "Don't wait for that. Get the information out now."

My guess is, and at least in some cases I know, there was communication between the National Military Command Center, the director for operations, with other combatant commands. I know there was also communication between Vice Admiral Leidig and other supporting commands in advance of this not necessarily formal but more formalized

communication from the National Military Command Center.

BY MS. CLARKE:

Q So, continuing on this exhibit, in response to the email we just discussed, Admiral Tidd sends an email. And I believe he sends it at approximately 8:53 p.m. And one of the differences between his email and the first email is he also indicates that the Secretary of Defense has directed deployment of (REDACTED) And in it, he says, "Let me know what the N hour will be."

And I believe earlier today in your testimony you have talked somewhat about coordination of the N hour. And I wanted to have you explain your understanding of what he meant by that phrase.

A So I'm looking to whom Admiral Tidd sent this email. He sent it back to Captain (REDACTED) at the National Military Command Center. So my interpretation of that, as a former director for operations, the guy who used to sit in Vice Admiral Tidd's seat, what I believe that is saying to his subordinate, the deputy director for operations at the National Military Command Center: Figure this out with all of the affected commands of where N hour should be.

Q Okay.

A I obviously have no way of knowing that with certainty, but that's what my experience leads me to believe that that sentence says.

Q And then the next paragraph says, "SECDEF has directed FAST to make all preps to deploy but hold departure until we are sure we have clearance to land in Tripoli."

What do you understand this sentence to be discussing?

A I think it is just that. I think it is as stated. The decision to move the Fleet Antiterrorism Security Team to Tripoli, given the uncertainty of the situation there, I think that's all that Vice Admiral Tidd is telling his subordinate: That's the SECDEF's decision. Work out the details, make sure we've got the details sorted out before they go.

Q And when he refers to clearance to land, do you know what he's referring to?

A Yes. I think that's making sure that the Embassy, in coordination with the Government of Libya, knows what it is that we are intending to do.

Q And then the final multi-sentence paragraph at the bottom of his email, "AFRICOM" -- I believe that's "direct liaison authorization" --

A Yes.

Q -- "with DATT Tripoli to pass all required elements to get country clearance for the FAST. Remember SECDEF holds final approval to deploy FAST."

Can you explain what he means by the SECDEF holding final approval to deploy FAST?

A I think it means what it says. That is different than my recollection. Again, my belief is the Secretary had given authority to me to do that. So I think this is the J3 issuing instructions, but my recollection is different than what Vice Admiral Tidd has written here.

Mr. Shapiro. Let's read the next sentence.

General Ham. Yeah. Right. The last sentence there I think is the important one.

BY MS. CLARKE:

Q It says, "Consider this authorization to move" --

A No, the last sentence of that paragraph.

Q Oh, I'm sorry.

A "But the point is to get the Marines on the ground securing the embassy in Tripoli as rapidly as we can move them."

Q Well, I think one thing that we would like to try to kind of marry up is, even on the timeline, the orders that were given to some of the -- specifically the FAST platoon was a prepare-to-deploy order. And there has been testimony that a prepare-to-deploy order is different from a deploy order. Perhaps you can provide us what the distinction is and how that played out on this night.

A I can try to explain the distinction between the two. A prepare-to-deploy order simply is notifying a force that you must be prepared to deploy within a specified timeframe, so that you have to adjust your activities, whatever they may be, your personnel posture, your readiness, your training, the prestaging of equipment, depending on what the timeline is, so that you are prepared to deploy on the designated timeline. This is not an uncommon occurrence.

So the Commander's In-extremis Force is a standing order, prepare to deploy at (REDACTED) hours. It is not uncommon, for example, for Marine and Army units during the height of operations in Iraq and

Afghanistan to be on prepare-to-deploy orders, to say, "Your unit must be prepared to deploy to Iraq in 7 days," or something like that.

And a deploy order simply says, "Go now," or whatever the specified timeframe is. So it's prepare to deploy, "I think I may need you, so I want you to be ready." A deploy order says, "I do need you. Deploy."

Mr. Shapiro. And the rest of Sheria's question was how did it play out that night, if it played out that night.

General Ham. So the three units that were of highest importance to me -- the Commander's In-extremis Force, the Fleet Antiterrorism Security Team, and (REDACTED) -- all already had prepared to -- my understanding is all had prepared to deploy. They were already on various timelines to deploy. So that's what I believe their status was.

And my belief is that -- and my recollection differs a bit from what Vice Admiral Tidd says -- that when the Secretary made his decisions, my understanding of that was that the Secretary of Defense was transferring operational control to me for those forces for their deployment and employment.

Ms. Clarke. So if the Secretary of Defense's order was, in fact, "prepare to deploy" and not "deploy," was there an additional step needed to be -- did the Secretary of Defense have to do anything additional to deploy those forces?

General Ham. I don't know because I'm not familiar with the specifics. Typically, in a prepare-to-deploy order, there is a

designated official who can order that unit to deploy. It doesn't always have to go back to the Secretary of Defense. It could be a combatant commander, it could be the Chairman of the Joint Chiefs, it could be a joint task force commander. But, in this particular case, I'm just not familiar with the specifics of the order.

BY MR. TOLAR:

Q Sir, real quick, if we could talk about -- go back to Predators one more time. On the evening of the attacks, did you have access to the Predator feeds?

A I did not. With my communications team, I did not. The National Military Command Center did. And, as I stated previously, I recall going there; I just can't recall the specifics. Certainly, the feed was available at both our Special Operations Command Africa headquarters and at AFRICOM's operations center.

Q Did you at any time take an opportunity just to see what the feed looked like, see what was happening on the ground based on that feed?

A I did not. And I have learned over time of having watched live feed from intelligence, surveillance, and reconnaissance assets that an untrained observer -- and I was an untrained observer -- did not know what you're looking at unless it was very specifically homed in on a target.

Q In your communications with Admiral Leidig and your staff that evening or with anybody else, did anyone indicate to you that you all were getting some good intel based on those Predators and what they

were providing, anything of that nature?

A Yes. My recollection, (REDACTED) And partly that is because the operators, at least of the initial system, had been focused, prepared to conduct their operations over Derna, where we thought the training camps and other activity were.

So they had done their research, their preparation to be looking for those kinds of activities when Vice Admiral Leidig made exactly the right decision to move the one unmanned system to Benghazi. It takes a while for those operators to get their bearings, to get context of what they're looking at, particularly because they were not anticipating conducting surveillance in that geographic area.

Q At some point, the first Predator returned to base and it was relieved by the second Predator. When that Predator returned to base to get reloaded or refitted, get refueled to come back, did you consider taking the opportunity to arm that Predator?

A I knew we had the ability to arm Predators (REDACTED). I do not recall whether we had a conversation, whether there was any discussion about arming the Predator for the second or subsequent missions. I just don't recall.

Mr. Jordan. How long does it take to arm them?

General Ham. Congressman, I don't remember exactly, but I don't think it's an extensive period of time.

Mr. Jordan. Can you give me an estimate?

General Ham. (REDACTED)

Mr. Jordan. Would there be a prohibition to arming the Predator

and putting it over Benghazi? Anything that would prohibit you from doing that?

(REDACTED)

General Ham. Potentially. That's right, Congressman. I don't think -- again, I don't recall any specific conversation about that, Congressman, but I also have no recollection that there was any impediment to doing that.

Mr. Jordan. And were you abreast of every drone asset that was available to be used that night, whether armed or unarmed? Did you have an inventory of what was available?

General Ham. Clearly, the operations center did. And I am confident that early on we had -- I had a discussion with my operations staff, with Vice Admiral Leidig and the team there --

Mr. Jordan. Do you recall how many drones you had at your disposal that evening?

General Ham. No, sir, I do not.

Mr. Jordan. Was it more than the two we're talking about right now?

General Ham. I simply do not recall.

Mr. Jordan. Is it likely there were more? (REDACTED)

General Ham. It would be unlikely that there would be only two.

Mr. Jordan. So there's probably more.

General Ham. Probably.

Mr. Jordan. And just to make sure I get this straight, there's probably more, it wouldn't take that long to arm them, and you were

capable of arming them that night if that's the decision you made.

General Ham. I would agree with that, yeah.

Mr. Jordan. And you made a decision not to arm them.

General Ham. I do not recall a specific decision. I simply don't recall whether I had a conversation with the Air Force Component commander, with the Special Operations Component commander, and my own staff about whether arming was appropriate or not. I just don't recall whether we had that conversation.

Mr. Jordan. Okay. Would there have been a reason not to arm them? I mean, it seems to me, if you can arm it, it can still go and see. So what's the downside of arming it, other than it may take a little more fuel, I would suppose, but what would be the downside?

General Ham. I think the two downsides are a little bit of delay in launching to get the other aircraft up and it slows down flight time and significantly limits station time.

Mr. Jordan. Thank you.

Mr. Shapiro. I think we're just about out of time.

Mr. Tolar. We are. We're at the hour.

Mr. Jordan. Can I ask one last question then?

Mr. Tolar. Yes, sir.

General Ham. That's fine with me, sir.

Mr. Jordan. So let's go back to where Sheria was on this email from Admiral Tidd. When I read the second page of the document we had -- I don't know what number it is -- and where discussions and deputies follow up between OSD and the Chairman and each paragraph

starts with "SECDEF" or "AFRICOM," I mean, Tripoli is mentioned in here, like, seven, eight times. Benghazi I think is mentioned once, and Benghazi is mentioned in the context of not going to Benghazi.

So what I'm wondering is, kind of just a general question: When you had testified earlier, General, that when you understood that American personnel were taken from the temporary mission facility, moved to the Annex, you think things had changed. And what I want to know is did you ever intend to send assets to Benghazi. Was there a decision made, we're not going to Benghazi, we're just not doing that?

General Ham. Congressman, it wasn't quite that stark. There was certainly a consideration and discussion about where should these various forces go -- CIF, FAST, (REDACTED) The FAST was the least controversial. It was decided fairly early on that the FAST should go to Tripoli.

Mr. Jordan. Got it.

General Ham. The question as to where should the Commander's In-extremis Force or (REDACTED) go was, in my view, largely dictated by the situation.

And by the time that the Commander's In-extremis Force was to move or (REDACTED) was moving, the situation in Benghazi, in my understanding, was, again, the fighting had largely subsided, all the Americans, less two now, Mr. Smith and Ambassador Stevens, were relatively safe, relatively safe, and under U.S. Government protection at the Annex, and the Embassy was working to facilitate their movement from Benghazi back to Tripoli.

So, in my view, Congressman, the urgency of deploying a force, a military force, into what could be a relatively uncertain situation where there were many other situations beginning to evolve, to me, moving the Commander's In-extremis Force and ultimately (REDACTED) to the staging base was the better choice.

Mr. Jordan. I just want to be clear. So, based on what this says is, the FAST team is not going to go to Benghazi. We're going to look to send them to Tripoli. And that decision was made at least before 8:53 that night at the time that this email goes out or this communication goes out.

But are you saying, at that same time, you made a decision -- I guess what I'm asking is, was a decision made not to send the CIF and the special ops force to Benghazi as well, or is this just about the FAST team?

General Ham. Congressman, again, I don't recall the specific timing, but, as of the time of this email, 8:53, to me, the situation -- the way I interpreted the situation was this: There had been an attack at the temporary mission facility, one dead, one missing, attack largely subsided, move back.

Mr. Jordan. General, I understand how you've interpreted that, and I get that. I think that's fair. What I want to know is, at this time, at 8:53, had you made a decision that you were not going to send any resources to Benghazi? Because that seems what this suggests.

General Ham. My intention at that point, Congressman, was to move both the Commander's In-extremis Force and (REDACTED) to the

staging base.

Mr. Jordan. Got it.

General Ham. They could have -- if the situation changed, they could have diverted them to Benghazi should that have been necessary. But that's a very difficult --

Mr. Jordan. That's my question.

Mr. Shapiro. The question is had you made a decision not to go at all to Benghazi, if I understand correctly.

Mr. Jordan. No, no -- right.

What I'm hearing you say, General, is, based on what you thought the situation was at 8:53, you had made the decision we weren't going to send anything to Benghazi, certainly not the FAST team, that was going to Tripoli, but if the situation changed, you might reevaluate and consider sending something to Benghazi.

General Ham. That's correct. My view, Congressman, was the best place for those forces, given the situation as I understood it at the time, was the staging base at Sigonella.

Mr. Jordan. Based on what you knew, they've gone from the temporary mission facility, everyone is at the Annex. At 8:53, you say the FAST team should be getting ready to go to Tripoli, not Benghazi, and the CIF and the special operations go to staging base. We don't think they're going to go to Benghazi, that's the decision we made. If things change, we might reevaluate and send them to Benghazi.

General Ham. That's a fair characterization, sir.

Mr. Jordan. All right. Thank you.

Mr. Tolar. Let's go off the record, please.

[Recess.]

Mr. Tolar. We've got 3:06 in the p.m.

General Ham. Before we go, can I ask to clarify a bit on the last interaction with Congressman Jordan about the timing of this?

Mr. Tolar. Anything you like. Yes, sir.

General Ham. So, again, in my view, when these emails in exhibit 7 were being issued and the decisionmaking conversations that I was having with Vice Admiral Leidig and the staff at Africa Command about where should the forces go, again, my recollection is pretty clear that the Fleet Antiterrorism Security Team should go to Tripoli. That's where they were most needed, most appropriate. They weren't in-extremis, but there was a threat stream -- a good place for them to go.

At the time, the situation in Benghazi, again, the best phrase I can use is the fighting had, as I understood it, had largely subsided. Americans secure, less the two -- less at least one casualty. And the timing in my own mind is a little uncertain as to when we knew, when I knew about Ambassador Stevens. So as long as --

Mr. Shapiro. About his fate.

General Ham. About his fate and whether he was alive or dead. And, obviously, we know what the end result of that was, and his body was returned to American control.

But while his whereabouts were unknown -- and, in my mind, the most likely mission was, at that point, a potential hostage

rescue -- then all options remained on the table as to where those forces, "those forces" being the Commander's In-extremis Force and (REDACTED), should go once Ambassador Stevens' body was recovered.

And, to me, the right choice was to have those forces -- the Commander's In-extremis Force, (REDACTED) -- posture at the intermediate staging base, where they could best collect intelligence and prepare and posture for any eventuality, whether that was Benghazi or Tripoli or Tunis or wherever in the Africa Command area of responsibility.

So thanks for that. Thanks for allowing me that.

Mr. Tolar. Absolutely. And if there's anything else you want to come back to, you are welcome to do that.

General Ham. Thank you, sir.

Mr. Tolar. Yes, sir.

BY MR. TOLAR:

Q Earlier, we started talking a little bit about the ARB. You indicated what you had done. Are you aware if the ARB interviewed Admiral Landolt?

A I do not know.

Q Are you aware if they interviewed Admiral Leidig?

A I do not know.

Q Admiral Losey?

A I do not know.

Q General Repass?

A I do not know.

Q General Kelly?

A I do not know who else the Accountability Review Board interviewed, nor did I ask. I didn't think it was appropriate to ask.

Q Yes, sir. I guess my question is, given that, is there a particular reason why AFRICOM elected to rely on the ARB as opposed to producing an after-action report?

A I think partly because the Accountability Review Board, in my view, was fact-based, and we were consumed with ongoing activities. I think that was probably what drove us to that rather than a more detailed, specific process specifically within the command.

Q If I were to tell you now that they did not interview any of those folks that we just talked about, not your deputy, not your J3, not USAFE, not SOCEUR, not General Kelly, they didn't interview those people, does that change your mind as to how thorough the ARB potentially was?

A In terms of its utility as an after-action review for the command's activities, yes, it would. And, in hindsight, again, given that we were consumed, frankly, with ongoing activities, it would have been worthwhile, I believe, to have even perhaps brought in an outside group from some other organization, Joint Staff or others, to help us do a detailed, in-house, after-action review.

Q So just to make sure I understand, is it fair to say, then, it's your judgment now that perhaps the ARB wasn't as sufficient as it could be in terms of an after-action report for AFRICOM?

A I think I'd say it slightly differently.

Q Please.

A I'd say that there -- in hindsight, there would've been benefit to the command, perhaps assisted by others, of having done its own review.

Q Sir, in light of the new normal, would you talk about your impression -- you kind of got into this earlier, but I'm going to ask you to expand upon it -- would you talk about your impression of the current DOD posture with respect to AFRICOM AOR?

To the extent that you can, talk about -- we had an incident in Liberia, Gabon, somewhere in Western Africa. How are we postured for that? Are we better postured? Et cetera.

A In general, I think the Department of Defense is better postured for crisis response now than they have been for a long while.

But we should also never forget that primary responsibility for the security of U.S. diplomatic facilities abroad rests with the Department of State and with the host nation, just as, obviously, security for diplomatic facilities here in this city resides with our country. So that's the primary responsibility.

But I think, given the vastness of the AFRICOM area of responsibility and given the unfortunate rise of Islamic and other terrorist threats across the area of responsibility, to me, it is prudent and responsible to have increased AFRICOM's crisis-response capabilities.

So, again, in my view, it begins with the dedication of the Commander's In-extremis Force under Commander, U.S. Africa Command's

authority. He can posture that force wherever the intelligence leads him to posture it. That's a tremendous improvement over the situation of just a few years ago. It provides him extraordinary capability.

Similarly, the establishment of the Marine Corps Special Purpose Marine Air-Ground Task Force, I think, is a huge benefit and improvement in crisis response. More broadly, the closer tethering and dedication of aircraft for Fleet Antiterrorism Security Teams and the Commander's In-extremis Force enhances their responsiveness as well.

But I keep coming back to the issue of: The driver of all of this is intelligence, surveillance, and reconnaissance. And while I am not current and certainly don't have access to all of the current information, in reading and observing the current Commander of U.S. Africa Command's testimony and statements, that still is an area which requires improvement.

Q Knowing what you know about the AFRICOM AOR, do you believe it's prudent for State Department, the United States, to rely on host nations for security and things of that nature? Obviously, it's subjective state by state, but --

A I do. I think primary responsibility must reside with the Department of State and with the host nation.

In places of uncertainty in Africa, and elsewhere for that matter, but specifically in Africa, where intelligence, where the relationship with the host-nation government, where the conditions indicate that there is a heightened security risk to Americans or American facilities or interests in a country, then I think there should be a higher degree

of responsiveness.

And I believe that some of the actions taken by DOD and others help in that regard -- for example, a preventive deployment, if you will, of a Fleet Antiterrorism Security Team. So when intelligence tells you that perhaps there's a heightened risk, maybe it becomes easier and more efficient to deploy a small number of military forces to augment the whole security.

The commander's ability, again, to posture his Commander's In-extremis Force close by where there are potential trouble spots, thereby reducing the response time -- I think those are all good things.

But I think we walk down a difficult path for a whole host of reasons -- authorities, resources, the responsiveness -- if primary responsibility for security were to shift to the Department of Defense.

Q General Dunford recently mentioned that they were in talks with Libya and considering sending in military advisers to assist in combating ISIS. Based on your experience, what kind of role would a military adviser play in that capacity?

A I obviously don't have access to the current information.

Q Absolutely.

A What I found in Libya, both senior, mid-grade military officials who had served either in the opposition or, in some cases, in the Libyan military, in many cases, a very strong desire to have a close partnership with the United States of America that would extend beyond security, but I think they saw the value in having a strong security relationship with the United States.

In many cases, our interests, in my view, are aligned, particularly in countering the growth and expansion of Islamic terrorists and particularly those who are affiliated with the Islamic State.

So we ought to be looking for opportunities to partner with those forces, improve their capability to achieve our mutual interest for the Libyans' internal security and stability, which is broadly good for us, but also in specifically countering the growth of Islamic terrorism in that country.

Q Thank you, sir.

Chairman Gowdy. General, I want to finish at least my time with you the same way I started, with just thanking you for your service.

And you said something early, early, early on that I thought was eminently fair, and you kind of captured better than I could my thought process on why we thought it was necessary to talk to you again. And my words will be less eloquent than yours, but I did my best to write it down.

You said that it's appropriate to look back, but it has to be done in context. And when it comes to matters involving those who wear the uniform, it has to be done fairly. Allegations with respect to posture, preparedness, response shouldn't be politicized. And while it's appropriate to look back, you have to do it fairly and you have to do it in context.

So, to the extent, as my friends on the other side like to remind, this is not your first time coming to talk about this, it is the first

time I have had a chance to ask you questions, and I would rather err on the side of asking a question twice than risk not asking it at all.

And I hope that you can tell by the fact that not only is this interview being done privately, it's being done in a classified setting. And there were no cameras to greet you when you got here this morning, and there will be no cameras to greet you when you leave.

So at least the Republicans value and need your input to be able to write a report that is fair and final. So I want to start by thanking you and your attorney, who is incredibly professional and fair to deal with.

I've got three more little areas of inquiry, and then I will be done.

You mentioned a couple of times that you believed that the plan was to evacuate the personnel from Benghazi to Tripoli. Is that fair?

General Ham. It is, Mr. Chairman.

Chairman Gowdy. All right. Do you know how that evacuation was to be effectuated?

General Ham. Mr. Chairman, I don't know the specific details, but I was aware then that the embassy team, I think facilitated by the station, the Central Intelligence Agency office at the Embassy, facilitating rental, leasing, something of a private aircraft to move from Tripoli, pick up the Americans, and then return them. I believe that was the same mechanism by which the team, the small team, deployed from Tripoli to Benghazi in response.

Chairman Gowdy. That is our understanding also. Private

aircraft secured shortly before, fortuitously but shortly before the events unfolded. And then, to the extent that there was going to be any reliance on the Libyans, I don't believe their planes were able to fly at night, so that would've required waiting until daylight, is my understanding.

Do you know how our folks eventually did evacuate the Annex and make it back to the airport?

General Ham. Mr. Chairman, it's my understanding that that privately procured aircraft was the one that transported them. I don't know that for certain, but I believe, based on exhibit something --

Chairman Gowdy. I'm with you, and I --

General Ham. Three.

Chairman Gowdy. -- probably wasn't clear in my question.

Mr. Shapiro. Three.

Chairman Gowdy. You're right, that's how they got from the Benghazi Airport to Tripoli.

Getting from the Annex to the Benghazi Airport, do you know what the evacuation plan was? Given the fact that there was still small-arms fire and there was mortar attack, there had to be a plan to get from the Annex to the airport.

General Ham. Mr. Chairman, yeah, I'm sorry, I misunderstood your question. The ground movement from the Central Intelligence Agency Annex back to the airfield was, I believe, a combination of vehicles that had been used by the Central Intelligence Agency for their operations, as well as supported by a Libyan entity, but I'm not exactly

sure who that was. I think perhaps the security for the Libyan security force that was working for those at the Central Intelligence Agency Annex.

Chairman Gowdy. Is it fair, looking back -- and, again, I wrote it down because I want to do it: It's appropriate to look back, but it has to be done in context. So I'm asking you questions years later, and you had to make decisions that night, early morning.

Given the fact that you were led to believe that we were going to evacuate from the Annex, to the airport, back to Tripoli, did anyone tell you how that evacuation was going to be effectuated?

General Ham. I don't recall, Mr. Chairman, the details of that. It may well have been, but it may have faded from my memory. But I don't recall the specifics other than ground movement from the CIA Annex to the Benghazi airfield.

Chairman Gowdy. Were you then or have you been made aware of any competing narrative that some folks believe that they were going to stay in Benghazi until they recovered the Ambassador's body?

General Ham. Sir, I don't remember that conversation, and I don't recall specifically when Ambassador Stevens' body was recovered. I just don't recall that conversation.

Chairman Gowdy. Okay.

I want to go back for a second to this email. I don't know the exhibit number, I'm sorry, but I think Mr. Shapiro does.

Mr. Shapiro. Seven.

Chairman Gowdy. We've got an 8:39, if memory serves, 8:39 email.

If you'll look on the second page of that email, which is stamped "1377" at the bottom.

General Ham. Yes, sir. I'm with you.

Chairman Gowdy. And toward the middle, there's a "Provided SecDef's VOCO to" with a colon.

General Ham. Yes, sir.

Chairman Gowdy. All right. And the first item is: Prepare-to-deploy order, one FAST team Platoon from Rota, Spain, to Benghazi.

General Ham. Yes, sir.

Chairman Gowdy. All right. And then it looks like a matter of minutes later, an email from Vice Admiral Tidd says not Benghazi.

General Ham. Yes, sir.

Chairman Gowdy. And that took place in the course of -- let's just be generous and say less than 30 minutes. Why the change? Who made the change? Did the original emailer get it wrong, or did something happen?

General Ham. Sir, I don't remember a specific action occurring that would change that.

There was a wide-ranging conversation between myself, Vice Admiral Leidig, and the operations staff, the Special Operations Command Africa Commander, again, of what forces should go where.

I do recall that there was initial conversations about doing just what the 8:39 email says, which is one FAST to Benghazi, one to Tripoli. But then I think, as we gained clarity of the situation in Benghazi,

that the FAST was more appropriate for Tripoli, given that we expected the evacuation of the Americans from Benghazi in short order.

Chairman Gowdy. All right. You used the word "clarity." And then I think this is a fair characterization of what you just said. The additional clarity you gained was rooted in the fact that you believed that an evacuation was imminent.

General Ham. Yes, sir. In that same email -- excuse me -- on the exhibit 7, the 8:53 email, the last sentence of the paragraph that begins "SECDEF has directed FAST," "Embassy making efforts to move all AMCITS from (REDACTED) the Central Intelligence Agency Annex -- "to Tripoli."

And so that's what I believed was happening, as well. So the necessity of -- there were going to be no Americans in Benghazi; therefore, deploying the FAST to Benghazi no longer made sense.

Chairman Gowdy. So if -- and I realize this is a hypothetical, but if there existed testimony that there were some Americans who were going to stay until the body was recovered, that information certainly is not reflected in this email, and you do not recall being made aware that there was at least maybe a counternarrative to a full evacuation.

General Ham. No, sir, I am not aware of that.

Chairman Gowdy. All right.

And in terms of -- and, again, it's a pretty limited timeframe from the time the initial email comes to the second one. You don't recall anyone sharing with you the particulars on how that evacuation would take place, from the Annex to the airport?

General Ham. No, sir, other than to know that it was by ground. But specific number of vehicles and the like, no, sir, I did not have that level of detail.

Chairman Gowdy. Do you know who, between the (REDACTED) and Tidd emails, would have effectuated that change?

General Ham. Yes, sir. My presumption is -- and I think I'm correct here -- is that this would've been done in collaboration with Vice Admiral Leidig and the operations intel staff at AFRICOM. I don't recall specifically, but I suspect Vice Admiral Leidig and I talked about that, to have come to the decision that says Benghazi was not the right place for the FAST to go.

Chairman Gowdy. All right.

General Ham. And if I may, Mr. Chairman, one last thing back to that. Though I was not aware of, as you say, a counternarrative that some folks may have remained in Benghazi, I'm very confident that, if that were the case, that either through the Central Intelligence Agency communications chief of station (REDACTED) or through the defense attache or through the charge d'affaires, Mr. Hicks, I feel confident that they would have asked to say, "Listen, we're leaving some folks here. We need some help." I'm confident that they would've asked for that.

Chairman Gowdy. Okay.

If I'm reading this 8:39 correct, "Provided SecDef's VOCO to," what does that mean? Does that mean the SECDEF has already ordered this verbally?

General Ham. Yes, sir. So -- I'm having a senior moment. I can't exactly remember what "VOCO" is. I'm looking at -- verbal order something. I can't remember what the "CO" --

Mr. Hudson. Vocal order commander's order.

General Ham. Okay. There you go.

So that's what that is, is to say the SECDEF has made his decision; he said do this. And, basically, what that signals is, "Written orders to follow, but don't wait for those."

[3:31 p.m.]

Mr. Gowdy. Would the SecDef himself have to change his mind for the second email to come that says "not Benghazi"?

General Ham. In my view, no, sir, because, in my view, when the Secretary made the decision, I believe that he transferred operational control of those forces to me, and then it was my decision as to how and when to deploy or employ those forces.

Mr. Gowdy. Have you and Secretary Panetta ever had a conversation about whether or not assets were going to be deployed to Benghazi initially and a subsequent decision was made? Have you, after the events of 9/11, 9/12, ever discussed that?

General Ham. Sir, I have not. And while I have met with Secretary Panetta in other settings, I have purposely avoided any conversation of the events of September 11th, 12th with him, partly because, you know, at some point, I knew that I was going to be requested to come appear, as I was a couple of years ago, and so I didn't want any of that -- I didn't want anything I said to shape his thinking nor did I want anything that he said to shape my testimony as well.

And the same -- frankly, to my regret is the same with Vice Admiral Leidig, who is a great friend and whose trust I value, but I purposely have not had engagement with Vice Admiral Leidig for that very same reason.

Mr. Gowdy. Yes, sir. Thank you.

General Ham. Thank you, Mr. Chairman.

Mr. Tolar. Yes, sir.

Mr. Westmoreland. Going back to this timeline, General -- and I too want to thank you for taking the time to do this, and it's the first time I've had the opportunity to ask you questions too.

I don't know what exhibit this is, but Chairman McKeon had asked for a timeline, and received a letter from Ms. Elizabeth King.

Mr. Shapiro. It's exhibit 3, Congressman.

Mr. Westmoreland. Exhibit 3. And on the second page of that, it's showing 8:39 as ordered by Secretary Panetta. Doesn't mention anything about Benghazi. It says that they are to deploy associated equipment to move to an intermediate ISB in Southern Europe. It doesn't give a destination of what that would be.

General Ham. Congressman, yes. I believe the section of exhibit 3 that you're referring to at 8:39 is one of the emails that is indicated in -- that is included in exhibit 7 --

Mr. Westmoreland. Right.

General Ham. -- which is the email from Captain (REDACTED) to the Chairman, Vice Chairman, and Secretary's military assistant. So I think that --

Mr. Westmoreland. So --

General Ham. I'm sorry, Congressman.

Mr. Westmoreland. No. I was just going to say, this one says -- it doesn't say anything about Benghazi. It doesn't say anything about Tripoli. It says "ISB."

General Ham. Yes, sir. I think -- and I'll defer to the general counsel representatives. I believe this summary that's listed in

exhibit 3 at 8:39 is a brief summary of the 8:39 email. So I just -- I think -- and maybe I'm incorrect, but my assumption is it just doesn't have the same detail as is included in the email.

Mr. Westmoreland. I get that, but it's just kind of weird that even, you know, after the date, they didn't include either Benghazi or Libya that was the original -- from the original email, that she failed to mention that and that they had been ordered to go to the staging area.

Mr. Shapiro. So, if I might, I read the syntax of that a little different. I read the staging base in Southern Europe to refer to the EUCOM Special Operations Force. And there's no destination, you're absolutely right, stated one way or the other for where the FAST team is going.

Mr. Westmoreland. Right. But in --

General Ham. In the message, there is.

Mr. Shapiro. In the message, there absolutely is.

Mr. Westmoreland. Yes. Okay. You said, at 8:39, that you thought there was going to be an immediate evacuation from Benghazi of the American personnel. I think you said that.

Mr. Tolar. Imminent.

Mr. Westmoreland. Imminent.

Mr. Tolar. Yes, sir.

Mr. Shapiro. -- at --

General Ham. If I may, Congressman, again, back to exhibit 7, Embassy making efforts to move all AMCITS from (REDACTED) compound

Benghazi to Tripoli, possibly using same commercial air that the team arrived in. That was my understanding, was that they were working quickly to get the people out of Benghazi back to Tripoli.

Mr. Westmoreland. Yet the dispatch or the PACs (ph) that came from Tripoli were still at the airport in Benghazi at that time with no transportation to even get them to the Annex. Were you aware that they were still held up at the airport?

General Ham. I was, Congressman. Not immediately, but it certainly was reported to me from the operations center that upon arrival of the team from Tripoli into Benghazi, that the prearranged ground transportation, which was to be facilitated by a local Libyan force, had not materialized, and the personnel were not able to move off the airfield for a number of hours.

Mr. Westmoreland. Did that bring -- did that cause any concern that you had two Special Operators guys and two CIA guys and an interpreter held at the airport?

General Ham. Yes, sir. So there were a number of concerns that arose once we knew that that was the situation. One was five Americans in a pretty remote place --

Mr. Westmoreland. Surrounding by a bunch of -- yeah.

General Ham. Frankly, given who they were, I was less worried about them than it was getting to the --

Mr. Westmoreland. Yes.

General Ham. -- getting to the facility, to the Annex and get the rest of the people back to the airfield. So, as you might suspect,

Congressman, there was a lot of communication, the defense attache, weighing in, (REDACTED) speaking with the chief of station and others in Tripoli trying to break loose that logjam, if you will, at the Benghazi airport, which obviously ultimately did break loose and they were able to move, but it's my belief that --

Mr. Westmoreland. But they too, I think -- I don't think they left the airport till about 4:30 in the morning, approximately.

General Ham. It took a while.

Mr. Westmoreland. So it was almost 2 hours before they moved. During that period of time, did your thinking change about what you might be determining that you would have needed to do something else if the situation remained like this?

General Ham. Yes, sir. Certainly, it did, Congressman. And so we're having conversations -- I'm having conversations, again, with the operations intelligence staff, who is in direct communication with both the CIA station and with the Embassy of, you know, what can be done, again, to break this logjam to get these people moving once again.

Mr. Westmoreland. But there was no certainty that that was going to happen, right? I mean --

General Ham. There were, Congressman. There were assurances from both the Embassy and the station that, you know, we're going to get this, but I will confess to -- this was a particularly tense time.

Mr. Westmoreland. I can imagine. You mentioned Ambassador Holmes. Was he the State Department liaison that you had with AFRICOM?

General Ham. Congressman, Ambassador Holmes' title was Deputy

to the Commander for Civil-Military Activities. When AFRICOM was formed, they established that uniquely for AFRICOM at the time, a very senior Foreign Service officer as a civilian deputy in addition to the military deputy for operations.

Mr. Westmoreland. So he was a civilian. He was not a State Department employee?

General Ham. Oh, no. He's a career Foreign Service officer --

Mr. Westmoreland. Okay.

General Ham. -- former ambassador detailed to the command. There were several others in the command from other departments as well. I simply don't recall, Congressman, whether Ambassador Holmes was physically present or whether he was elsewhere that night. What I do remember is the primary linkage between the command's operation center and the Embassy was our foreign policy advisor, also a career Foreign Service officer, and he was in constant communication, I think I learned later, essentially an open line, with the Embassy, speaking often with the charge d'affaires, Mr. Hicks, as well as other Embassy officials.

Mr. Westmoreland. But Ambassador Holmes, I think you stated, was one of the people that you would have conferred with about all the different activity that was going on in Libya, in Benghazi, in Derna or anywhere else, some of these protests and different civic activities or whatever you would want to call them, the elections coming up. I mean, this is somebody that you may have depended on to get a sense of what the environment was in Libya.

General Ham. Congressman, that's true. And that was largely

the role of the civilian deputy, was to offer us that context of understanding and linkage to the various State Department activities.

In the particular case of Libya, given all that had been going on and the nature of operations there, I probably had a more frequent communication with Ambassador Stevens than I did with just about any other ambassador on the African Continent, partly because of the Site Security Team, a force that was operating in his support, partly because we were seeking to initiate some new military-to-military training programs and the like. So there was -- again, I think I had probably a closer relationship with Ambassador Stevens than with just about any other U.S. Ambassador in Africa.

Mr. Westmoreland. And, you know, so I can answer Scooter's question down at the gas station when I get home, that I asked you, did ambassador -- your relationship with Ambassador Stevens and the withdrawal of the SST team, there's rumors out there and different reports that you offered him -- you offered to send an SS Team back.

General Ham. So, Congressman, let me try to be very precise about this. The Site Security Team came about by a request from the Department of State to the Department of Defense, we need some capability. Defense said yes. I was happy about that, frankly. That order -- that team was extended a couple of times. The latest, most recent deployment was to end, as I recall, on the 3rd of August of 2012.

In my conversations with Ambassador Stevens, I conveyed to him that I was supportive of extending the team, I found value in the team's

presence for follow-on missions for the command. I had no authority to offer that team to him, but he knew that I was supportive of the team being extended.

The Joint Staff, the Chairman, the Office of the Secretary of Defense for Policy, who normally manages such things, knew that I was supportive of the Site Security Team being extended, but it all had to be triggered by a request from the Department of State to the Department of Defense: Please extend that team.

The Department of State chose to not make that request. I do not have any visibility or any insight into the decisionmaking process that led the Department of State to not request extension.

Mr. Westmoreland. So did Ambassador Stevens ever say, "Look, General, I appreciate your support and stuff, but my boss ain't going to let that happen," or "State doesn't feel it's necessary"? Did he mention that he himself had requested to State to extend the SS Team?

General Ham. He did not, Congressman. He knew my views, but never stated to me what his recommendation was or what any of the internal State Department deliberations were.

Mr. Westmoreland. So, as you're talking to him, he didn't go, "Ah, don't worry about it, General; we're good," or, "I'm scared senseless," or -- no? Okay.

General Ham. Neither of those, sir. Just, again, I would characterize it by saying he knew of my support and our preparedness to extend the team and why I wanted to do that, but then the State chose to not request it.

Mr. Westmoreland. Okay. So you never made an independent offer? You just said that you were in favor of the SST being extended?

General Ham. Yes, sir, to both Ambassador Stevens and to the Joint Staff and the Office of the Secretary of Defense. Ultimately, if State requested, the Secretary of Defense would have to decide. I wanted to make sure that the supporting staff in the Pentagon knew that if the request came, I was prepared to do it and wanted to do it.

Mr. Westmoreland. Now, did you ever have this discussion or a discussion in any way with Ambassador Holmes about the decision for the State Department not to extend the SST team, or did he ever mention to you the reason for the State Department not wanting to extend it?

General Ham. Congressman, to the last question, I don't recall him ever offering any insights into internal State decisionmaking, but it was -- he knew and all those in the command knew that I was supportive of the team being extended.

Mr. Westmoreland. Do you think he was supportive? Did he ever mention that he was supportive of it being extended? I mean, he was the guy.

General Ham. I don't remember. I mean, as an ambassador, as a former ambassador who had overseen military-to-military engagements in other places in Africa, I never detected anything other than support from him.

Mr. Westmoreland. Support --

General Ham. For the team. For the SST.

Mr. Westmoreland. For the SST.

General Ham. Yes, sir.

Mr. Westmoreland. Okay. Hindsight's always, you know, the best, but do you think the 10th, the day before the anniversary of September 11th, do you think that was a good day for you to be going to D.C. for a meeting? I mean, I know you were probably called there, but it seems to me that on that date, I would have wanted all hands on deck at their commands rather than in D.C. doing whatever you do at the Pentagon.

General Ham. Congressman, it will not surprise you that I wish that I had been at the command.

Mr. Westmoreland. I know that.

General Ham. But having said that, I had redundant, secure, reliable communications. I had my most trusted adviser, Vice Admiral Leidig, onsite. Frankly, this was his to run. He's the director -- the Deputy Commander for Military Operations. I would have preferred to have been there.

I do not think that my presence at the Pentagon in any way impeded my exercise of command or my communication with Vice Admiral Leidig.

Mr. Westmoreland. And I'm not saying that it did. I'm just saying for whoever asked you to come to D.C., that just seemed like a weird day, the day before the anniversary of 9/11, especially with the tension that was going on, to have the Combatant Commander of AFRICOM come to D.C.

But, you know, Mr. Tolar and myself just happened to be in Stuttgart, I believe we were at EUCOM, when the incident happened in

Africa at the hotel in --

Mr. Tolar. Mali.

Mr. Westmoreland. Mali.

Mr. Tolar. We were at the new AFRICOM JOC, the new facility.

Mr. Westmoreland. Yeah. And you could see -- we were setting up and looking down, and the admiral was there and the State liaison person was there, we were all talking, and all of a sudden, we noticed all these people kind of huddling up together, the big screen came up, you know, with the Embassy and the hotel, different things.

And so I know that you had control over the situation, but it just seemed to me that the commander being there would have maybe given you a little bit different sense of what all was going on, because I'm assuming they were taking all of these reports and trying to put them together to give the information to you, rather than you actually being there on the floor when all these different people were trying to make decisions.

General Ham. Sir, again, I would have preferred to have been onsite. It won't surprise you I probably would have preferred to have been in Tripoli, actually, to get a sense and a feel of what's going on, but I cannot overstate the trust and confidence that I have in Vice Admiral Leidig.

Mr. Westmoreland. Sure.

General Ham. And you're exactly right. There's a feel of being present. I would have preferred to have been present, but, again, I do not think my presence at the Pentagon impeded the exercise

of command.

Mr. Westmoreland. Yes, sir. You mentioned the P3s, and I don't know if anyone's gone over them with you or not, but where were they -- you said that the Libyans didn't like the P3s flying over. I'm assuming they're -- was it because they were manned aircraft or --

General Ham. Sir, I think there were some honest Libyans who didn't like the noise. (REDACTED)

I think there were some Libyans who voiced concern to their government about a foreign power being intrusive.

And I believe there were Islamic terrorist organizations who were influencing members of the Libyan Government, because they knew what those aircraft were doing.

Mr. Westmoreland. What type of plane is a P3?

General Ham. It's a four-engine, four-propeller engine aircraft, medium size, has a pretty sophisticated array of intelligence, surveillance, and reconnaissance capability. (REDACTED)

Mr. Westmoreland. But it has the capabilities for intelligence, surveillance, and reconnaissance?

General Ham. (REDACTED)

Mr. Westmoreland. Where were they flying out of?

General Ham. I didn't recall specifically. My recollection is either Souda Bay or Sigonella, perhaps both.

Mr. Westmoreland. Did you know that these aircraft rotated between Souda Bay and different stations about every 3 months or

4 months, there was a rotation of where these planes went?

General Ham. I don't think I had that detail, sir.

Mr. Westmoreland. I went to Souda Bay on a trip, and they claimed that those aircraft were there on September 11th, 2012. Do you have any knowledge of that?

General Ham. I don't recall specifically. I'm confident in the -- we had early discussions before September 11th and the laydown of forces. And as events were unfolding that night, as the operations center reconfirmed the presence of capabilities, I feel confident that that would have been addressed, but I'm sorry, Congressman, but I don't recall specifically the P3 discussion.

Mr. Westmoreland. But if they were available, wouldn't it be the right plane to send, as Admiral, I think you said, Hadley, had stated, intelligence, surveillance, and reconnaissance, and if they had been in the air and they could have, you know, been watching or being able to maybe communicate with the ground and then have possibly even followed the people that had done the attack, at least on the Annex, if not, you know, at the temporary mission facility?

General Ham. Congressman, P3s have great capability. I'm sorry, but I simply do not recall a conversation about P3s that I -- it's not to say it didn't happen. I just --

Mr. Westmoreland. No. No. I know that.

General Ham. -- at this point, I just can't recall.

Mr. Westmoreland. Did anybody mention that they were available?

General Ham. Sir, I just don't recall. I mean, I'm sorry that

I don't, but --

Mr. Westmoreland. So you don't know where they were located at the time?

General Ham. Frankly, sir, I may have known at the time, but I don't remember today.

Mr. Westmoreland. Okay. But if you had known, would that have been an asset that you would have liked to have used in that situation?

General Ham. As with any asset that was known and potentially available, my expectation is that the operations staff would make an assessment and then ultimately a recommendation to Vice Admiral Leidig and me: We think this capability is one that we should employ in this way.

And, again, it's very likely that that conversation occurred, but here today, I just can't remember.

Mr. Westmoreland. Who would have made that decision? Would it have been Admiral McRaven or Admiral Hadley, or who would have made the decision not to do that?

General Ham. If there was a capability that the command wanted, it would normally have gone from operations officer to operations officer, probably, in this case, from Rear Admiral Landolt, the operations officer for Africa Command, to the operations officer for European Command. I'm assuming that the P3s were under European Command's operational control. I'm not exactly sure about that. They would have an initial discussion, say: Hey, we would like to use these aircraft for this purpose for this period of time.

There would be talk back and forth. And, ultimately, it would result in a conversation with the Joint Staff to say: Please get the Secretary's approval, because legally you're transferring operational control. That requires the Secretary to do that, but that can happen pretty quickly.

So procedurally, I don't think that that would have been a particularly difficult circumstance, but, again, Congressman, I --

Mr. Westmoreland. But under the authority that the Secretary had given you as far as, I guess, SOCOM, EUCOM or whatever, all those things that he gave you, those assets wouldn't have been included in that?

General Ham. That's correct, Congressman. So in the designation of supporting commands --

Mr. Westmoreland. Right.

General Ham. -- that does not --

Mr. Westmoreland. They would have been the ones to let you know if they had them or not?

General Ham. Right, but still would require the Secretary's approval to transfer operational control of those assets to AFRICOM.

Mr. Westmoreland. Okay. And just one -- we've already kind of touched on this too, but my understanding is, (REDACTED) -- if we'd have been going to use the strike aircraft and we were going to arm them to go into Libya, we would have had to have got State Department to get maybe flyover permission or the permission to load them, you know, arm them, to land, to refuel, or any of that. I know you had taken the strike out of the scenario, the equation, but at the same

time, I know you mentioned that you all were concerned about, I guess, Cairo and Tunis and some of the other places as far as maybe this violence spreading. Wouldn't it have been good to have at least put those aircraft on an alert to give some of the commanders a little time to make sure they had the pilots with the right rest and the different things, and to let State go ahead and be getting some of these approvals to be able to do what mission would have been necessary?

General Ham. Congressman, so two things, if I may. To me, the fundamental question was, are these the appropriate assets for the situation as it was evolving? And recognizing that others may well differ with the decisions that I made and the recommendations of subordinate commanders, my assessment was, no, that strike aircraft were not the right tool.

Mr. Westmoreland. No. I know.

General Ham. With regard to getting overflight clearance and the like, yes, that is a diplomatic necessity to do that. In my experience, under exigent circumstances, that comes very quickly. So I do not envision that that would be any impediment.

Mr. Westmoreland. Understood. Thank you, sir. Thanks for your service.

General Ham. Thank you, sir.

Mr. Westmoreland. Thanks for being here.

Mr. Tolar. Shannon?

Ms. Green. Are you finished?

Mr. Tolar. Anything?

Ms. Sawyer. We may have a little.

Ms. Green. A couple things.

[Recess.]

BY MS. SAWYER:

Q Thank you, General. We know it's been a bit of a long day, so we just have a few questions. And my colleague at the outset had indicated that we would be asking you some questions, and we've asked you a number of questions in earlier rounds, as have our colleagues, some questions toward the end that we have been asking of every witness. We started asking all of these questions of each witness because these were allegations that have been made in the 3-1/2 years since the attacks, routinely made, still put on the table.

We asked at the outset of this investigation for the Republicans to talk to us about whether they were willing to set any of them aside and agree that there was no need to investigate. We could not get that agreement then. We have routinely renewed that offer throughout the course of this investigation. They have never agreed to take any of these allegations off of the table, so we've continued to ask each witness, because we are truly hopeful that at least with some of the allegations that have been constant since the attacks, that we will be able to walk away from this investigation saying that we exhaustively pursued them.

So I would ask you to bear with us as I go through these. There's about a dozen. Some will be within, I think, what is your direct kind of firsthand knowledge; some may not. To the extent some are and you

have information to contribute, we'll just pursue what that is. So I'll start with the first.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon Panetta to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to, quote, "stand down" on the night of the attacks?

A No. I had no direct communication with the Secretary of State and, frankly, no insight into the conversations that she and the Secretary of Defense may have had.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I do not. And, certainly, the Secretary of State and Secretary of Defense collaborate and coordinate very closely, but for military purposes, the chain of command is quite clear: it's the Commander in Chief, Secretary of Defense to the combatant commander.

Q It does not include the Secretary of State?

A That is correct.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post fact checker evaluated this claim and give it four Pinocchios,

its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A I do not.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources to Benghazi?

A I am not aware of any such direction.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No. My recollection of the intelligence at that time, I was brandnew to the command, but the intelligence, in my view, was compelling that Mr. Qadhafi and his forces did, in fact, pose an imminent threat to citizens in Benghazi.

Q It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found,

quote, "no support for this allegation," end quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A I do not.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A I do not have any such information.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, what we've referred to today as the temporary mission facility, I think, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, quote, stand down, but that, instead, there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that that was no standdown order to CIA personnel?

A I do not.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a, quote, bad or improper reason behind the temporary delay of the CIA's security personnel who departed

the Annex to assist the Special Mission Compound?

A I have no such information.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the Accountability Review Board?

A I do not.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A I do not.

Q Let me ask those questions also for documents that were provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to Congress?

A I do not.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have indifferent evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I do not.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I have no such knowledge.

Q It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No. And I've never had any conversation with Ambassador Rice about matters in Benghazi.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No. Certainly, when Secretary Panetta and General Dempsey returned from their meeting at the White House, they conveyed the nature of their conversations with the Commander in Chief and indicated that he was engaged.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on a second plane to Benghazi were ordered by their superiors to, quote, "stand down," meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to, quote, "remain in place" in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I do not, though it is perfectly understandable to me why the military personnel would want to move to Benghazi. That's what military people do. As it turns out, it was beneficial that they remained in Tripoli, particularly for the medical care upon arrival of the Americans from Benghazi.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. Former Republican Congressman Howard "Buck" McKeon, the former chair of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "given where the troops were, how quickly

the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Q Thank you again for your time. We've asked you a lot of questions. Our colleagues have asked you a lot of questions. I certainly want to give you an opportunity if there's anything you'd like to clarify or amplify or if there's anything in particular that you think would be important for the committee to know and understand as we wrap up the investigation, I'd just invite you to share that with us.

A Thank you, but I think I've had ample opportunity to respond.

Q Great. Wonderful. Well, thank you again. Thank you. I think the members while they were here certainly thank you for your tremendous service. We all join in that. And we appreciate your patience today as well.

Mr. Tolar. Sir, one followup up to this regarding your colleagues. Is there anybody you think it would behoove the committee

to speak with to gain a better understanding of what happened that night?

General Ham. The only one that came to mind, but I've learned subsequently, is the opportunity to meet with Admiral Losey, but I think you're scheduled to do so.

Mr. Tolar. Yes, sir.

Well, again, on behalf of Chairman Gowdy, I want to thank you, as well as your wife, for your 40 years of service. It's a huge commitment. We really appreciate it and appreciate your time today. Thank you, sir.

General Ham. Thanks, Mac.

Mr. Tolar. We're off the record.

[Whereupon, at 4:17 p.m., the interview was concluded.]

EXHIBIT 1



26 November 2013

MEMORANDUM FOR RECORD

SUBJECT: SUMMARY OF GENERAL CARTER HAM'S CONSIDERATION OF NON-ISR AIR ASSETS OVER BENGHAZI ON SEPTEMBER 11-12, 2012

1. In response to a question for the record from Senator Graham at the March 7, 2013, AFRICOM posture hearing before the Senate Armed Services Committee, GEN Carter Ham stated the following:
 - o "[T]here were no DoD forces that could have been ordered into Benghazi either within 12 hours or that would have been present before the second attack. There were no fighter aircraft that could have been there in 12 hours or less, given alert status, transit times, and requirements for re-fueling."
2. In accordance with the House Oversight and Government Reform Committee (HOCR) letter of invitation of February 27, 2013, GEN Ham (then Commander, US AFRICOM) met with HOCR Members on March 15, 2013, for what was requested to be a discussion of "...the role of U.S. Africa Command, to include its U.S. Government partnerships, in securing U.S. personnel and facilities on the African continent."
 - a. Chairman Issa (R-CA), Ranking Member Cummings (D-MD), Rep. Chaffetz (R-UT), Rep. Jordan (R-OH), and non-HOCR Rep. Rohrabacher (R-CA, HFAC) attended. The entirety of the classified discussion revolved around Benghazi and GEN Ham's actions/decisions prior, during, and post-attack. GEN Ham and AFRICOM's Chief of Legislative Affairs [REDACTED] (also present at the briefing) drafted an executive summary following this engagement which included the following:
 - i. "Rep. Chaffetz repeatedly questioned my decision to not deploy strike aircraft, suggesting a fly-over would have demonstrated a show of force. I unsuccessfully explained that 1) even if I had had strike aircraft available to launch from Souda Bay (nearest U.S. facility) within minutes of knowing about the attack on the Special Mission Facility, that attack would have been over by the time aircraft arrived and 2) that absent clarity of the ground situation, there were no clear targets to drop munitions on amidst a densely populated area. I told the Congressman that I considered but did not see the necessity to deploy aircraft."

populated area. I told the Congressman that I considered but did not see the necessity to deploy aircraft."

- ii. "I tried to emphasize that the first attack ended only a little more than an hour after it began, and at that point, the objective shifted from crisis response to finding AMB Stevens."

3. In the May 21, 2013, briefing before the HASC O&I Subcommittee, Maj Gen Roberson (Vice Director, Operations, Joint Staff) supported GEN Ham's tactical analysis in responding to questioning from Rep. Chaffetz (at page 85 of transcript):

- a. REP CHAFFETZ: "General, have you ever had experience, have you ever seen in Afghanistan, in other theaters where a show of force has an effect? In Libya itself, in fact, we used a tactic where we would actually fly planes at supersonic speeds to show of force, drop down a sonic boom. We have heard testimony, we have heard other individuals have said that could have -- that might have made a real difference to let the people on the ground know the United States of America is here. Have you ever seen that in your career?"

- b. MAJ GEN ROBERSON: "Sir, I have flown many shows of forces. I have done it at 500 feet, at slow speed to show them we are there, and I have done it very fast to make sure they know they can hear us. So there is a potential you could have flown a show of force and made everyone aware that there was a fighter airborne. Would it have changed anything? Certainly, we couldn't have gotten there before the ambassador was dead. We know that. But even if we had gotten there before the annex attack, in my experience, again, it doesn't necessarily stop the fighting, especially if they are conditioned to it. If you have experienced fighters who have seen shows of forces before, then they know what it means. It means, there is no bombs dropping. It just means you are trying to let them know you are there. And so I can't tell you if it would have been effective or not in Benghazi with a show of force."

4. In the HASC O&I classified briefing by GEN Ham of June 26, 2013, he further elaborated on his thought process when engaged by REP Chris Gibson's (R-NY) regarding close air support in the region. GEN Ham responded as follows (at page 52 of transcript):

- a. "Yes sir, I will admit to giving a lot of thought about close air support. And in the lead up to September 11th, in the discussions about what forces should we have available, it was my determination, obviously with advice from others but the responsibility was mine as the commander was that close air support was not the appropriate tool in this situation. As and as I look back on the events of that night and say--think in my own mind would air have made a difference? And in my military judgment, I believe the answer is no. It was a very uncertain situation in an

environment which we knew we had an unknown surface to air threat with the proliferation particularly of shoulder-fired surface-to-air missiles, many of which remain unaccounted for. But mostly it was a lack of understanding of the environment and hence the need for the Predator to try to gain an understanding of what was going on. So again I understand that others may disagree with this, but it was my judgment that close air support was not the right tool in that environment."

ELIZABETH L. KING
Assistant Secretary of Defense
(Legislative Affairs)

EXHIBIT 2

31.1

1

[REDACTED]

RPTS COCHRAN

DCMN HERZFELD

Classification Key:

UNCLASSIFIED

[REDACTED]

[REDACTED]

EXECUTIVE SESSION

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

joint with

COMMITTEE ON ARMED SERVICES,

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

INTERVIEW OF: VICE ADMIRAL CHARLES J. "JOE" LEIDIG, JR.

Thursday, March 20, 2014

Washington, D.C.

[REDACTED]

[REDACTED]

already in place, not Benghazi because I wasn't aware that it was a facility or that people were going to be there that night. We didn't have a specific plan for Benghazi, but it's very easy to take an existing plan and modify it for a different location. You just need a little bit different intel and information, and then you can execute a very similar plan that we had for Tripoli in Benghazi, so it would not have been hard to execute.

BY MR. KENNY:

Q And just to clarify, the fact that forces or that personnel that we were in this NEO, in the noncombatant evacuation, some of that information was relayed to you by the two members of the task force when they were in the airfield in Benghazi?

A I don't understand the question.

Q I think you had discussed a little bit some of the information, the reporting you were receiving from the task force members when they were, they landed in Benghazi?

A Uh-huh.

Q And that was some of your firsthand reporting of what was happening in Benghazi, and I just wanted to confirm because I thought I heard during the last hour that it was at that point that they may have relayed back some information that there were some wounded and that a medevac might be necessary?

A Well, when they first arrived at Benghazi, the initial reporting from the task force members was that they were stuck at the airfield, and their intent was to go try to find the Ambassador, so I think they got there roughly around 2:00 in the morning. If I remember the timeline correctly, and that was their focus. They were delayed significantly. When they got to the Annex, we didn't get a lot of reporting initially when they got to the Annex. It was only when we started just before the

[REDACTED]

indirect fire attack reporting of some small arms, that's the first time I remember the task force making some reporting. And then the indirect fire attack, then the attack ended very abruptly. Then the reporting from them became more regular, and their focus at that point was we have adequate forces, we have adequate security, we're with [REDACTED] and we have a militia here who is going to protect the roads and get us out to Benghazi, that's when they said very clearly, we need your assistance to get out of Benghazi airfield. We'll get to Benghazi. We don't need help with that. What we need is to be able to get out of Benghazi airfield. [REDACTED]

Q Okay. But to be clear, there are already preparations in place to facilitate that?

A We're working on options to get aircraft there. At that point, I don't have any aircraft in the air, but I have aircraft that are now on alert in Germany, that crews are coming in and they're getting ready to lift and go wherever we would need them to go. They ultimately end up being part of the crews and others that go to Tripoli to do the medevac from there. [REDACTED]

Q Thank you. I think you touched on this a little bit during the last hour, but if we could revisit just some of the practical limitations in the response time for the transport aircraft. [REDACTED]

A The transport aircraft, again, there's none on alert, and so there's the time lag of in the middle of the night calling crews in, getting them briefed, having the right intel, following flight plans, all the routine flight things, and then there's just the amount of flight time that it takes to get from Germany down to Libya. Again, my recollection is a C-130 was about 5 to 6 hours and a C-17 was probably an hour or so shorter than that. So by the time you call crews in and bring them in, I think, you know, again, roughly we were still talking, you know, closer, 8 to 10 hours before you [REDACTED]

[REDACTED]

could get an aircraft there.

Q Okay, thank you. And on this issue that was discussed during the last hour of the request for flight clearances, I think you had mentioned it would probably be some other person on your staff who may have been in contact with folks who were working that issue, but did you have any awareness over whether people in country, on the country team or within the DAT's office were, in fact, working that issue?

A Oh, and maybe I didn't say it clearly. I don't think there would have ever been a problem with any flight clearances. We already had clearance to fly the UAV there, and in every discussion we had had preliminary up to that point, the DAT, who was very well connected with the country, they would have been approved, and then through the rest of the, that day and the following day, we never had any problem with clearances, so I don't think they were ever a problem.

Q Were those transport aircraft, the C -- I forget if it's the C-130s or the C-17s, were those in any way delayed by the lack of flight clearances?

A No, they were not delayed by a lack of flight clearances.

Q We discussed a little bit in the last hour some of the other civilian personnel at AFRICOM as well as the role that some of those folks may have played on the night of the attacks. You had mentioned that there was a deputy for civil military affairs who, I believe, wasn't at AFRICOM on the night of the attacks, but there was a political attache who was and you had characterized some of your conversations with him that you didn't discuss anything of substance with him, and I just wanted to ask --

Mr. Richards. I think he said he didn't recall whether he --

Mr. Kenny. Thank you, I appreciate that clarification.

[REDACTED]

[REDACTED]

BY MR. KENNY:

Q So you don't recall that you had any conversations of substance with him; is that correct?

A So, just to be specific, the Deputy Commander for Civil Military Operations was not there that night, he didn't come to the Command Center. To be honest, I don't know, recall where he was. The political, the policy adviser, the POLAD was there that night. He was very helpful during the night doing some specific coordination. I don't recall any specific conversations that I had with him, but I do remember him being very helpful.

Q Okay.

A He was brand new to the command. He probably had only been there, if I recall, maybe a month or so, but he was a very experienced State Department person and was very helpful.

Q And was he relaying or advising you at all on what your mission should be that night or providing orders or providing restrictions on how to carry out what you perceived to be the mission?

A I don't recall that he provided any of that type of advice or any restrictions or anything. He -- I don't think that would have been his role that night. We were dealing with one country in a crisis. His general purpose that night was to try to go out and find information from State Department and other sources, but, again, the Command Center, this Focal Point Operations Center probably has about 30 people in it. I'm mostly working with, you know, a cadre of about five or six senior people as I'm trying to coordinate the whole picture.

Q And just to follow up on that point, there have been some statements to this effect, and I would just like to ask for your comment on them, but on the night of

[REDACTED]

EXHIBIT 3

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300LEGISLATIVE
AFFAIRS

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

MAY -1 2013

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012

EDT // EET

- ~3:42 pm // 9:42 pm The incident starts at the facility in Benghazi.
- 3:59 pm // 9:59 pm An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
- 4:32 pm // 10:32pm The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
- 5:00 pm // 11:00pm Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
- 5:10 pm // 11:10 pm The diverted surveillance aircraft arrives on station over the Benghazi facility.
- ~5:30 pm // 11:30 pm All surviving American personnel have departed the facility.
- 6:00-8:00 pm //
12:00-2:00 am Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:
- 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.
 - 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.
 - 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.
- During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
- ~6:30 pm // 12:30 am A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

- ~7:30 pm // 1:30 am The American security team from Tripoli lands in Benghazi.
- ~8:30pm // 2:30 am The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
- 8:39pm // 2:39 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
- 8:53pm // 2:53 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
- ~11:00 pm // 5:00 am A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
- ~11:15 pm // 5:15 am The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

- 12:05 am // 6:05am AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
- ~1:40 am // 7:40 am The first wave of American personnel depart Benghazi for Tripoli via airplane.
- ~4:00 am // 10:00 am The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
- 8:15 am // 2:15 pm The C-17 departs Germany en route Tripoli to evacuate Americans.
- 1:17 pm // 7:17 pm The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
- 1:57 pm // 7:57 pm The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 2:56 pm // 8:56 pm The FAST platoon, and associated equipment, arrives in Tripoli.
- 3:28 pm // 9:28 pm The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 4:19 pm // 10:19 pm The C-17 arrives in Ramstein, Germany.

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EXHIBIT 4

This exhibit was not cleared for public release.

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EXHIBIT 5

This exhibit was not cleared for public release.

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EXHIBIT 6

This exhibit was not cleared for public release.

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EXHIBIT 7

This exhibit was not cleared for public release.